

# **EXHIBIT “C”**

## **All Requests and Responses**

**PLAINTIFFS' INITIAL MANDATORY DISCLOSURES**  
**filed June 30, 2004**

**1<sup>ST</sup> REQUEST FOR PRODUCTION**  
**(filed on 12/17/04)**  
**(Defendants' Responses filed on March 4, 2005)**  
*(see requests and responses below)*

**PLAINTIFFS 2<sup>ND</sup> REQUESTS FOR PRODUCTION OF DOCUMENTS**  
**(filed on December 22, 2004)**  
**(Defendants' Responses filed January 24, 2005)**  
*(see requests and responses below)*

**DEFENDANTS INITIAL DISCLOSURES**  
**filed December 28, 2004**

- A. The name and, if known, the address and telephone number of each individual likely to have discoverable information that Defendants may use to support their claims or defenses, unless solely for impeachment:

1. Regarding Olivia Y.  
(a) All members of Olivia Y.'s biological family, including:

Peggy Yarbrough, biological mother  
301 Parksdale Drive  
Hattiesburg, MS 39403 (last known address)  
Telephone number unknown

Otha Terrance Donald, biological father  
Address and telephone number unknown

Melvin Yarbrough, father  
Address and telephone number unknown

Carolyn Hunter, aunt  
Address and telephone number unknown

Amelia Yarbrough, sister  
301 Parksdale Drive  
Hattiesburg, MS 39403 (last known address)  
Telephone number unknown

Haley Yarbrough, sister

581 Richburg Road  
Purvis, MS 39475  
Telephone number unknown

Gene Hunter, cousin  
Address and telephone number unknown

Willena Harris, aunt  
Address and telephone number unknown

- (b) All current or former members of Olivia Y.'s foster families, including:

Seaborn and Annette Rainey  
581 Richburg Road  
Purvis, MS 39475  
Telephone number unknown

Ethel Jones  
Address and telephone number unknown

- (c) All current or former DHS personnel or agents who have been involved with Olivia Y., including:

Mickel Hodges  
DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY AND CHILDREN  
SERVICES  
750 North State St.  
Jackson, MS 39202  
(601) 359-4500

Mechille Henry, Acting Regional Director  
MARION COUNTY DEPARTMENT OF HUMAN SERVICES  
226 Broad St., Suite 1  
Columbia, MS 39429  
(601) 736-6044

Jean Fertitta, Area Social Worker Supervisor  
Nicole Holloman  
Jennifer McLaurin, LSW  
Jessie Richardson, homemaker  
Deborah Stewart, Area Social Worker Supervisor  
Marie Turnage, LSW  
Christina Morrison  
Kim Rider  
Barry Robertson  
FORREST COUNTY DEPARTMENT OF HUMAN SERVICES

1604 West Pine Street  
Hattiesburg, MS 39401  
(601) 554-4354

- (d) All current or former court personnel, attorneys, legal representatives, guardian *ad litem*s, or Court Appointed Special Advocates who have been involved with Olivia Y., including:

Judge Michael W. McPhail  
FORREST COUNTY YOUTH COURT  
P.O. Box 190  
Hattiesburg, MS 39403  
(601) 545-6075

James D. Johnson, Esq.  
Guardian *Ad Litem*  
301 W. Pine St.  
Hattiesburg, MS 39401  
(601) 583-1937

- (e) All current or former employees or agents of service providers, medical institutions, group homes, emergency shelters, and educational institutions who have been involved with Olivia Y., including:

Emma Foster  
PINEBELT ASS'N FOR COMMUNITY ENHANCEMENT (PACE),  
HEADSTART PROGRAM  
710 Katie Ave.  
Hattiesburg, MS 39401  
(601) 545-8110

Terry Latham, Director  
Valerie Edenfield, Assistant Shelter Manager  
HOPE HAVEN CHILDREN'S SHELTER  
P.O. Box 37  
Bay St. Louis, MS 39520  
(228) 467-7945

Dr. Shama Shakir  
COASTAL FAMILY HEALTH CENTER  
P.O. Box 475  
Biloxi, MS 39533  
(228) 374-2474

- (f) Other

Ava Cobbins  
MISSISSIPPI DEPARTMENT OF HEALTH  
Post Office Box 1700  
Jackson, MS 39215-1700  
(601) 576-7400

2. Regarding Jamison J.

(a) All members of Jamison J.'s biological family, including:

Daniel Hysten, biological father  
1956 South Laura  
Wichita, KS 67211  
(316) 806-4356

Toshelia Lewis, sister  
6562 Lyndon B. Johnson Drive  
Jackson, MS 39213  
(601) 981-4077

Shaka McCorker, sister  
Address and telephone number unknown

Ruthie Davis, maternal grandmother  
Address and telephone number unknown

Lloyd and Rosie Hysten, paternal grandparents  
7425 Berryton  
Berryton, KS 66409  
(913) 862-9076

Sharon Wells, friend of family  
Address and telephone number unknown

(b) All current or former members of Jamison J.'s foster families, including:

Charlie and Ora Groves  
Doddsville, MS  
Address and telephone number unknown

Jodie Felton  
923 Parkview Street  
Cleveland, MS 38732  
(662) 843-2061

Mrs. Murphy

Cleveland, MS  
Address and telephone number unknown

LaVance and Diane Body  
6665 Lake Forest Drive  
Jackson, MS 39206  
(601) 354-1403

James Hennington  
Jackson, MS  
Address and telephone number unknown

Alice Mayers  
Address and telephone number unknown

Orlean Wolfe  
Address and telephone number unknown

Clara Lewis  
6562 Lyndon B. Johnson Drive  
Jackson, MS 39213  
(601) 981-4077

- (c) All current or former DHS personnel or agents who have been involved with Jamison J., including:

Billy Mangold, DIVISION OF FAMILY AND CHILDREN'S SERVICES  
Gwen Walker, LSW  
Ann Pullum, Administrator, Interstate Compact Placement  
Jeff Wedgeworth, Acting Director, Protection Unit  
Gail Young, Director Placement Unit  
Mary Ann Cooper  
Sharon L. Worley, LSW  
DEPARTMENT OF HUMAN SERVICES,  
DIVISION OF FAMILY AND CHILDREN SERVICES  
750 North State St.  
Jackson, MS 39202  
(601) 359-4500

Maggie Mixon, Area Social Worker Supervisor  
HINDS COUNTY DEPARTMENT OF HUMAN SERVICES  
4777 Medgar Evers Blvd.  
Jackson, MS 39213  
(601) 362-9892

Martha McDaniel, Regional Director

Region II – Division of Family and Children Services  
GRENADA COUNTY DEPARTMENT OF HUMAN SERVICES  
1241 S. Mound St.  
Grenada, MS 38902  
(662) 226-1351

Deon Thomas, LSW  
RANKIN COUNTY DEPARTMENT OF HUMAN SERVICES  
603 Marquette Road  
Brandon, MS 39042  
(601) 825-7210

Lucille Ivy, LSW  
Mitsi Pilgrim, LSW  
Mary Wallace, LSW  
Reginald Walker, LSW  
Tracey Modhzain, LSW  
Annie Smith, LSW  
Queen Coleman, Area Social Worker Supervisor  
Terry Hall, Area Social Worker Supervisor  
EAST BOLIVAR COUNTY DEPARTMENT OF HUMAN SERVICES  
P.O. Box 367  
Cleveland, MS 38732  
(662) 843-0294

Jill Blount  
Myrt G. Grisham  
Stanley B. Lee  
Tommie Clinton  
Michele Love  
Kim O'Neal  
Sha Aguzzi  
J.D. Cummys  
M. Williams  
Ruby W. Robinson  
Elisha Langdon  
Cathy Caudwell  
Johnnie Johnson  
Roosevelt Grenell  
Rosie Johnson  
Lorie Smith  
Pattie C. Hendricks  
Michael W. Hendricks  
E.J. Doblinson  
Mose James  
Jan Vaughn

Carolyn Dodge  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY AND CHILDREN SERVICES  
FOSTER CARE REVIEW PROGRAM  
750 North State Street  
Jackson, MS 39202  
(601) 359-4500

- (d) All current or former court personnel, attorneys, legal representatives, guardian *ad litem*s, or Court Appointed Special Advocates who have been involved with Jamison J., including:

Judge Kenneth Thomas  
Bolivar County Circuit Court Judge  
P.O. Box 548  
Cleveland, MS 38732-0548  
(662) 846-2939

Judge Patricia D. Beckett  
Senior Status Judge  
P.O. Box 1644  
Cleveland, MS 38732  
(662) 843-4511

Judge Gwendolyn J. Thomas  
Bolivar County Youth Court Judge  
P.O. Box 188  
Cleveland, MS 38732  
(662) 843-7175  
(Also served as Guardian *Ad Litem*)  
Albert B. Smith, III, Esq.  
P.O. Box 1887  
Cleveland, MS 38732  
(662) 846-6058

M. Earl Scales  
Special Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 220  
Jackson, MS 39205-0220  
(601) 359-4216

Boyd P. Atkinson  
Guardian *Ad Litem*  
P.O. Box 427  
Cleveland, MS 38732

(662) 843-9766

John Cox, Esq.  
*Guardian Ad Litem*  
P.O. Box 608  
Cleveland, MS 38730  
(662) 843-8351

Sherry Van Liew, Former Director  
Pattie C. Hendricks, Director  
Mr. Ross  
BOLIVAR COUNTY CASA  
204 N. Pearman Ave.  
Cleveland, MS 38732  
(662) 846-6394

William K. Dossett, Esq.  
125 South Court  
P.O. Box 1494  
Cleveland, MS 38732  
(662) 846-0690

- (e) All current or former employees or agents of service providers, medical institutions, group homes, emergency shelters, and educational institutions who have been involved with Jamison J., including:

Dr. Camille Baker Branton  
Address and telephone number unknown

Dr. Cynthia Undesser  
UNIVERSITY OF MISSISSIPPI MEDICAL CENTER  
2500 N. State St.  
Jackson, MS 39211  
(601) 984-5820

LAUREL WOOD CENTER  
5000 Highway 39 N  
Meridian, MS 39301  
(601) 483-6211

OUR HOUSE SHELTER  
942 North St.  
Jackson, MS 39202  
(601) 355-0161

MILLCREEK BEHAVIORAL HEALTH SERVICES

P.O. Box 1160  
Magee, MS 39111  
(601) 849-4221

HOPE HAVEN  
5102 Robinson Road Ext.  
Jackson, MS 39204  
(601) 376-0500

YOUTH VILLAGES  
MEMPHIS BOYS TOWN  
7410 Memphis-Arlington Rd.  
Memphis, TN 38135  
(901) 252-7800

SUNNY-BROOK CHILDREN'S HOME  
P.O. Box 4871  
Jackson, MS 39296  
(601) 856-6555

SALLY KATE WINTER CHILDREN' HOME  
317 North Division St.  
West Point, MS 39773  
(662) 494-4867

Lora Reeves  
Sherry Azordegan  
Cindy Hardy  
Kelly Wilson  
Dr. Joy Hogge  
Sharon White  
Monica Porter  
Gayle Watts  
Linda Raff

CATHOLIC CHARITIES OF JACKSON  
(Our House shelter, Hope Have shelter)  
P.O. Box 2248  
Jackson, MS 39225  
(601) 355-8634

Anita Williams, counselor  
Address and telephone number unknown

Patricia Swafford, psychometrist  
Address and telephone number unknown

Joyce Smith  
Emily Tillman  
Kaye Pepper  
Alfredia Miller  
Administrators and various fifth grade teachers  
WATKINS ELEMENTARY  
3915 Watkins Drive  
Jackson, MS 39206  
(601) 987-3594

Daniel Watkins  
Ms. Mott  
Administrators and various sixth grade teachers  
POWELL MIDDLE SCHOOL  
3655 Livingston Road  
Jackson, MS 39213  
(601) 987-3580

Beray Thigpen  
Charles Bishop  
Administrators and various seventh grade teachers  
NORTHWEST JACKSON MIDDLE SCHOOL  
7020 Medgar Evers Blvd.  
Jackson, MS 39213  
(601) 987-3609

Mr. S. Blackwell  
Administrators and various eighth grade teachers  
MORRIS-WILSON CAMPUS SCHOOL  
P.O. Drawer D  
Eads, TN 38028  
Telephone number unknown

Dr. Cynthia Johnson  
Administrators and various tenth grade teachers  
CALLAWAY HIGH SCHOOL  
601 Beasley Road  
Jackson, MS 39206  
(601) 987-3535

Administrators and various eleventh grade teachers  
WEST HIGH SCHOOL  
820 S. Osage St.  
Wichita, KS 67213  
(316) 973-3600

OAKLEY TRAINING SCHOOL, Transitional Living Center  
2375 Oakley Drive  
Raymond, MS 39154  
(601) 857-2288

(f) Other

Shirley Crenshaw  
Peggy Baker, Coordinator - Youth and Adult Services Commission  
KANSAS DEPARTMENT OF SOCIAL AND REHABILITATIVE SERVICES  
915 SW Harrison St.  
Topeka, KS 66612  
(785) 296-3959

3. Regarding John A.

- (a) All members of John A.'s biological family, including:  
Pamela Austin, biological mother  
Address and telephone number unknown

James Magee, biological father  
Address and telephone number unknown

- (b) All current or former members of John A's foster families, including:

Willie and Velma Carpenter  
Address and telephone number unknown

Edward and Anna Bolton  
124 Taylor Road  
Hattiesburg, MS 39401  
(601) 584-7709

Angela Davis  
Address and telephone number unknown

Martha Atkins  
4312 Kreole Ave.  
Moss Point, MS 39563  
(228) 474-6258

Ophelia Coleman  
Address and telephone number unknown

Seaborn and Annette Rainey

581 Richburg Road  
Purvis, MS 39475  
Telephone number unknown

- (c) All current or former DHS personnel or agents who have been involved with John A., including:

Mechille Henry, Regional Director  
Region VI – Division of Family and Children Services  
MARION COUNTY DEPARTMENT OF HUMAN SERVICES  
226 Broad St., Suite 1  
Columbia, MS 39429  
(601) 736-6044

Jean Fertitta, Area Social Worker Supervisor  
Beejee Dickson, Area Social Worker Supervisor  
Ramona Lockett, Area Social Worker Supervisor  
Josie Brown, LSW  
Jessie Richardson, homemaker  
Deanne Cunningham, LSW  
Rosie Cox, aide  
Barry Robertson, LSW  
John Walker  
Kim Rider, LSW  
Sherita Bovastro, LSW  
Terra McCarthy, LSW  
Kathy Hightower  
Melissa Lyons  
Cindy Stubblefield  
Sharron Robinson  
Cindy Haslauer  
Betty Rayner  
Tena McCarty  
Tabatha Enis  
FORREST COUNTY DEPARTMENT OF HUMAN SERVICES  
1604 West Pine Street  
Hattiesburg, MS 39401  
(601) 554-4354

Carrie Monsow, Area Social Worker Supervisor  
DESOTO COUNTY DEPARTMENT OF HUMAN SERVICES  
425 E. Commerce Street  
Hernando, MS 38632  
(662) 429-4461

Tabathas Cox, LSW

PONTOTOC COUNTY DEPARTMENT OF HUMAN SERVICES  
P.O. Box 419  
Pontotoc, MS 38863  
(662) 489-4182

- (d) All current or former court personnel, attorneys, legal representatives, guardian *ad litem*s, or Court Appointed Special Advocates who have been involved with John A., including:

Judge Michael W. McPhail  
FORREST COUNTY YOUTH COURT  
P.O. Box 190  
Hattiesburg, MS 39403  
(601) 545-6075

James D. Johnson, Esq.  
301 W. Pine St.  
Hattiesburg, MS 39401  
(601) 583-1937

Cliff Gaddis  
Guardian *Ad Litem*  
OFFICE OF THE DISTRICT ATTORNEY  
109 Shady Lane  
Hattiesburg, MS 39402  
(601) 545-1551

- (e) All current or former employees or agents of service providers, medical institutions, group homes, emergency shelters, and educational institutions who have been involved with John A., including:

MILLCREEK BEHAVIORAL HEALTH SERVICES  
P.O. Box 1160  
Magee, MS 39111  
(601) 849-4221

Johnny Skinner, teacher  
Lois Cox, social worker and therapist  
Terry Tessena, therapist  
MILLCREEK OF PONTOTOC  
1814 Highway 15 North  
P.O. Box 619  
Pontotoc, MS 38863  
(662) 488-1023

James Chastain, Director

Kristie Brister Medico, Legal Aspects Coordinator  
MISSISSIPPI STATE HOSPITAL  
PO Box 157-A  
Whitfield, MS 39193  
(601) 351-8018

Dr. Barbara Murray  
Dr. Anthony Pollard  
Dr. William Gasparini  
Marla Rogers  
GULFPORT MEMORIAL HOSPITAL, BEHAVIORAL HEALTH UNIT  
11150 Hwy. 49 North  
Gulfport, MS 39503  
(800) 831-1700  
Mr. Jasper Gunn  
YOUTH VILLAGES  
MEMPHIS BOYS TOWN  
7410 Memphis-Arlington Rd.  
Memphis, TN 38135  
(901) 252-7800

Dr. William P. Osborn  
SASSAFRAS HILL COUNSELING CENTER  
4824 Old Highway 11  
Purvis, MS 39475  
(601) 264-9515

Dr. Charles Greer  
Dentist  
Address and telephone number unknown

BACOT HOME FOR YOUTH  
4021 Chicot St.  
Pascagoula, MS 39581  
(228) 769-0477

ALLIANCE HEALTH CENTER  
5000 Highway 39 N  
Meridian, MS 39301  
(601) 483-6211

DESOTO SUNRISE HOMES  
1281 Main Street  
Southaven, Mississippi 38671  
(662) 342-0155

HOPE HAVEN CHILDREN'S SHELTER  
P.O. Box 37  
Bay St. Louis, MS 39520  
(228) 467-7945

PINE GROVE  
2255 Broadway Drive  
Hattiesburg, MS 39401  
(601) 288-2273

DIXIE ELEMENTARY SCHOOL  
790 Elks Lake Road  
Hattiesburg, MS 39401  
(601) 582-4890

HAWKINS ELEMENTARY SCHOOL  
526 Forrest Street  
Hattiesburg, MS 39401  
(601) 583-4311

NICHOLAS HOBBS ACADEMY  
7410 Memphis Arlington Rd  
Memphis, TN 38135  
(901) 252-7812

MERCY HOUSE MINISTRIES  
21701 County Home Rd  
Moss Point, MS 39562  
(228) 588-2093

4. Regarding Cody B.

(a) All members of Cody B.'s biological family, including:

Betty L Hartfield, biological mother  
4203 Knowles Ave. #120  
Moss Point, MS 39563 (last known address)  
Telephone number unknown

Calvin B. Burks, Sr., biological father  
4203 Knowles Ave. #120  
Moss Point, MS 39563 (last known address)  
Telephone number unknown

Vinney Dread, cousin  
Address and telephone number unknown

LauSunda Clark, maternal cousin  
Address and telephone number unknown

Ann Jones, cousin  
Address and telephone number unknown

Tonya Chapman, maternal aunt  
Address and telephone number unknown

Quinesta McSwain, paternal aunt  
Hattiesburg  
Address and telephone number unknown

Annie and Anthony Keyes, maternal grandmother and husband  
Address and telephone number unknown

Betty Simmons, maternal aunt  
Address and telephone number unknown

Jake, Sean, Josh, Amber, Shantea, siblings  
Address and telephone number unknown

(b) All current or former members of Cody B.'s foster families, including:

Beverly Bolton  
5443 Winona Drive  
Moss Point, MS 39563  
(228) 475-9889

Bridget Thigpen  
Babysitter while at Ms. Bolton's home  
Address and telephone number unknown

Darryl and Melissa Boykin  
2505 Pollock Ferry Road  
Moss Point, MS 39562  
Telephone number unknown

Romeo and Cassandra Brown  
3614 Reeves Lane  
Ocean Springs, MS 39564  
(228) 872-8369

(c) All current or former DHS personnel or agents who have been involved with Cody B., including:

Zadie B. Rogers, Regional Director  
HARRISON COUNTY DEPARTMENT OF HUMAN SERVICES  
1141 Bayview Avenue, 5th Floor  
Biloxi, MS 39530  
(228) 432-0225

Angela Ashford, Family Preservation Specialist  
DEPARTMENT OF HUMAN SERVICES,  
DIVISION OF FAMILY AND CHILDREN SERVICES  
750 North State Street  
Jackson, MS 39202  
(601) 359-4500

Tasha Jackson, Program Specialist  
Mary Williams, Program Specialist  
DEPARTMENT OF HUMAN SERVICES  
IVE/CWS Eligibility Determination Unit  
750 North State Street  
Jackson, MS 39202  
(601) 359-4500

Gwendolyn L. Beck, LSW  
Deborah Stallworth  
Gloria Richardson, LSW  
Matt Matthews, Area Social Worker Supervisor  
Yutaska Simpson, LSW  
Sharon Carter, homemaker  
Linda Smith, intake officer  
Brenda Coe, Area Social Worker Supervisor  
JACKSON COUNTY DEPARTMENT OF HUMAN SERVICES  
P.O. Box 789  
Pascagoula, MS 39568  
(228) 769-3275

Carolyn Dodge  
DEPARTMENT OF HUMAN SERVICES,  
DIVISION OF FAMILY AND CHILDREN SERVICES  
Foster Care Review Program  
750 North State Street  
Jackson, MS 39202  
(601) 359-4500

- (d) All current or former court personnel, attorneys, legal representatives, guardian *ad litem*s, or Court Appointed Special Advocates who have been involved with Cody B., including:

Nancy Fagan, Youth Court Abuse and Neglect Intake  
Pat Brown  
Cynthia Wilson, Youth Court Administrator  
JACKSON COUNTY YOUTH COURT  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Janice Perreault  
Former Prosecutor  
1253 Jackson Ave.  
Pascagoula, MA 39567  
(228) 938-9500  
Brice Wiggins  
Assistant District Attorney, 19th Judicial District of Mississippi  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Jim Smallwood  
Prosecutor  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Jennifer Harris, Esq.  
*Guardian Ad Litem*  
P.O. Box 510  
Pascagoula, MS 39568  
(228) 696-0228

Denise Lee  
*Guardian Ad Litem*  
Address and telephone number unknown

Terry Holtz, Esq.  
P.O. Box 987  
Ocean Springs, MS 39564  
(228) 872-9224  
Linda Boozer, Esq.  
15 St. Andrews Dr.  
Jackson, MS 39211  
(601) 956-0392

Judge Alvin Chase

JACKSON COUNTY YOUTH COURT JUDGE  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Judge Maxine Lawson-Conway  
JACKSON COUNTY YOUTH COURT JUDGE  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Judge Sharon W. Sigalas  
JACKSON COUNTY YOUTH COURT JUDGE  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

Laura Singleton  
Connie West Portas  
JACKSON COUNTY CASA  
4903 Telephone Road  
Pascagoula, MS 39567  
(228) 762-7370

- (e) All current or former employees or agents of service providers, medical institutions, group homes, emergency shelters, and educational institutions who have been involved with Cody B., including:

Dr. J. Donald Matherne  
CENTER FOR BEHAVIORAL MEDICINE  
2710 Beach Blvd # 6D  
Biloxi, MS 39531-4401  
(228) 385-1827

Grace Sutterfield, nurse  
WELL BABY CLINIC  
Jackson County Health Department  
4302 Hospital Road  
Pascagoula, MS 39581  
(228) 762-1117

Kim McClammey  
CENTER FOR THE PREVENTION OF CHILD ABUSE  
Address and telephone number unknown

Bridgett Pickett

FIRST STEP EARLY INTERVENTION PROGRAM,  
MISSISSIPPI STATE DEPARTMENT OF HEALTH  
4302 Hospital Road  
Pascagoula, MS 39581  
(228) 762-1117

Marilyn Montgomery, shelter supervisor  
CRANE MEMORIAL YOUTH SHELTER,  
JACKSON CNTY CHILDREN'S SERVICES COALITION  
P.O. Box 1856  
Gautier, MS 39553  
(228) 762-7370

Dr. Michael Seymour  
Dr. Andrew Ragula  
SINGING RIVER HOSPITAL  
2809 Denny Avenue  
Pascagoula, MS 39581  
(228) 809-5154

Ladd Chandler, teacher  
Deanna Gray, speech pathologist  
Dyane Held, physical therapist  
Ronnie Bether, social worker  
Delois Catchings, teacher assistant  
SOUTH MISSISSIPPI REGIONAL CENTER, Project PRINTS  
3257 Hwy. 90  
Gautier, MS 39553  
(228) 497-4568

Dr. Grzayna Wierbicka  
CHILDREN'S CLINIC OF PASCAGOULA  
421 Delmas Ave., Suite A  
Pascagoula, MS 39567  
(228) 762-8712

Angela Carpenter, LSW  
MISSISSIPPI STATE DEPARTMENT OF HEALTH  
4302 Hospital Road  
Pascagoula, MS 39581  
(228) 762-1117

- (f) Other  
PASCAGOULA POLICE DEPARTMENT  
611 Live Oak Ave.  
Pascagoula, MS 39567

(228) 762-2211

Venua Durr  
reporter of abuse  
4612 Main Street, #5  
Moss Point, MS  
Telephone number unknown

5. Regarding Mary, Tom, Matthew, and Dana W. (the “W. children”)

(a) All members of the W. children’s biological family, including:

Tracey Lee Williams, biological mother  
Address and telephone number unknown

Markus Lee Williams, biological father  
Address and telephone number unknown

Lawrence and Zelatra L. Williams, paternal uncle and wife  
1069 Bala Chitto Road  
Magnolia, MS 39652  
(601) 783-3662

(b) All current or former members of the W. children’s foster families, including:

Clara Jones  
Address and telephone number unknown

Brenda West  
755 Glencross Drive Apt. 89  
Jackson, MS 39206  
Telephone number unknown

Ida Varnell  
Address and telephone number unknown

(c) All current or former DHS personnel or agents who have been involved with the W. children, including:

Mary Williams, Program Specialist  
Mahalia Wright, Program Specialist  
Tasha Jackson, Program Specialist  
DEPARTMENT OF HUMAN SERVICES,  
IVE/CWS Eligibility Determination Unit  
750 North State Street

Jackson, MS 39202  
(601) 359-4500

Jennie N. Hall, LSW  
Ronda Aldridge, LSW  
Emily Brown, LSW  
Carolyn Roberts, Area Social Worker Supervisor  
Angela Fields, Area Social Worker Supervisor  
Maggie Mixon, Area Social Worker Supervisor  
HINDS COUNTY DEPARTMENT OF HUMAN SERVICES  
4777 Medgar Evers Blvd.  
Jackson, MS 39213  
(601) 362-9892

Lacey O'Quin, LSW  
WALTHALL COUNTY DEPARTMENT OF HUMAN SERVICES  
P.O. Box 430  
Tylertown, MS 39667  
(601) 876-3238

Rachel Sullivan, foster care reviewer  
DEPARTMENT OF HUMAN SERVICES,  
DIVISION OF FAMILY AND CHILDREN SERVICES  
Foster Care Review Program  
750 North State Street  
Jackson, MS 39202  
(601) 359-4500

- (d) All current or former court personnel, attorneys, legal representatives, guardian *ad litem*s, or Court Appointed Special Advocates who have been involved with the W. children including:

Judge Houston Patton  
HINDS COUNTY YOUTH COURT JUDGE  
P.O. Box 327  
Jackson, MS 39205-0327  
(601) 968-6663

Judge William Singletary  
HINDS COUNTY CHANCERY COURT JUDGE  
P.O. Box 686  
Jackson, MS 39205  
(601) 968-6548

John Gadow  
P.O. Box 23662

Jackson, MS 39225  
(601) 212-4115

Angela Gray Marshall  
Guardian *Ad Litem*  
P.O. Box 6971  
Jackson, MS 39282  
(601) 346-4488

Malcolm Harrison  
P.O. Box 483  
Jackson, MS 39205-0483  
(601) 948-5030

Bridgette W. Wiggins  
Special Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 220  
Jackson, MS 39205-0220  
(601) 359-4247

- (e) All current or former employees or agents of service providers, medical institutions, group homes, emergency shelters, and educational institutions who have been involved with the W. children, including:

Lou Moore, RN  
UNACARE, University Nursing Associates, PLLC  
1207 North West Street  
Jackson, MS 39202  
(601) 354-6654

John B. Jolly, Psy.D, ABPP  
Clinical Psychologist  
MISSISSIPPI COLLEGE  
Box 4013  
105 Lowrey Hall  
Clinton, MS 39058  
(601) 952-2995

Dr. Hill-Chance, therapist  
Address unknown  
(601) 894-5110

Dr. Philip Meredith  
Steven R. Stafford, therapist  
BRENTWOOD HEALTHCARE OF MISSISSIPPI

3531 Lakeland Dr.  
Jackson, MS 39232  
(601) 936-2024

Leah Yeatts  
PINE GROVE COUNSELING CENTER OF JACKSON  
2 Old River Place, Suite O  
Jackson, MS 39202  
(601) 355-5600

Dr. Diane Little  
PINE GROVE  
P.O. Box 16389  
Hattiesburg, MS 39404-6389  
(601) 288-2273

BROWN ELEMENTARY SCHOOL  
146 E. Ash St.  
Jackson, MS 39202  
(601) 960-5326

EMMANUEL CHRISTIAN ACADEMY  
1023 Langley Ave.  
Jackson, MS 39204  
(601) 969-9597

Mae Baity, teacher  
JOHNSON ELEMENTARY SCHOOL  
1339 Oak Park Drive  
Jackson, MS 39213  
(601) 987-3501

NORTH JACKSON ELEMENTARY SCHOOL  
650 James M. Davis Dr.  
Jackson, MS 39206  
(601) 987-3528

Cheryl Brent, teacher  
BRINKLEY MIDDLE SCHOOL  
3535 Albermarle Road  
Jackson, MS 39213  
(601) 987-3573

SOUTH PIKE SCHOOL DISTRICT  
250 West Bay Street  
P.O. Box 71

Magnolia, MS 39652  
(601) 783-3742

Connie McNab, principal  
EVA GORDON ELEMENTARY SCHOOL  
1175 N. Clark Street  
Magnolia, MS 39652  
(601) 783-5983

Emily Brewer, LSW  
CHRISTIANS IN ACTION SHELTER  
Jackson, MS  
Address unknown  
(601) 353-1942

B. A copy of all documents, data compilations, and tangible things in the possession, custody, or control of Defendants, that may be used to support their claims or defenses, unless solely for impeachment:

- i. Policies and Procedures of the Mississippi Department of Human Services, Division of Family and Children's Services.

C. Insurance Information: The following documents may contain discoverable information:

- 1. Not applicable

D. Experts: The Defendants have not yet retained an expert to testify in this case.

E. Supplementation: Defendants reserve the right to supplement this disclosure as to the identity of expert witnesses, lay witnesses, documents, and tangible things which may be disclosed during the discovery process.

F. Withholding: The only information being withheld at this time consists of correspondence between Defendants and their attorney and attorney notes, which are protected by attorney-client privilege.

<u>Bates Label</u>	<u>Date</u>	<u>Description of Privileged Communication</u>
DHS Jamison J. 00078 & 00077	04/01/04	Note: Conference between social worker and county prosecuting attorney
DHS Jamison J. 00086	04/29/04	Note: Social worker's contact with Attorney General's office
DHS Jamison J. 00086	05/03/04	Note: Social worker's contact with Attorney General's office
DHS Jamison J. 00086	05/06/04	Note: Social worker's contact with Attorney General's office
DHS Jamison J. 00086	05/06/04	Note: Social worker's contact with Attorney General's office
DHS Jamison J. 00098	06/21/04	Note: Social worker's note on contact with the Attorney

		General's office
DHS Jamison J. 00110 & 00109	08/13/04	Note: Social worker's note on conference with the Attorney General's office
DHS Jamison J. 00115	08/31/04	Note: Social worker's note on conference with the Attorney General's office

**MOTION FOR EXTENSION OF TIME TO RESPONSE TO 1st REQUEST FOR  
PRODUCTION– January 13, 2005  
(Granted 1/24/05 – have until 3/4/05)**

**SUPPLEMENTAL DISCLOSURES  
January 14, 2005**

**Defendants filed Notice of Service of Quarterly Supplementation of computerized documentation regarding named Plaintiffs and case records and accompanying Privilege Log.**

**PLAINTIFFS 2<sup>ND</sup> REQUESTS FOR PRODUCTION OF DOCUMENTS  
(filed on December 22, 2004))  
DEFENDANTS' RESPONSES (filed January 24, 2005)**

Document Request No. 1: Any and all DHS case records of all children currently in DHS custody or, in the alternative, the DHS case records of a statistically significant number of such children to be selected by Plaintiffs for the purpose of case record review.

Response No. 1. Defendants object to this Request in that it is overly-broad and unduly burdensome for production. The Request also seeks information that is irrelevant to the claims of the Named Plaintiffs and is not calculated to lead to the discovery of admissible evidence.

Furthermore, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and

educational records of children who are in the custody of the Mississippi Department of Human Services.

Without waiving the objections set forth herein, and in a good faith attempt to respond to the discovery requests propounded by the Plaintiffs, Defendants have produced and will continue to produce all such requested case records of the Named Plaintiffs in this case.

Document Request No. 2: A computer-readable data tape of all children currently in DHS custody, identify the child's name, date of birth, case record identification number, the DFCS office(s) the child's case is assigned to, and all dates of entry into DHS custody.

Response No. 2: Defendants object to this Request in that it is overly-broad and unduly burdensome for production because it seeks information for an unspecified period of time. The Request also seeks information that is irrelevant to the claims of the Named Plaintiffs and is not calculated to lead to the discovery of admissible evidence.

Furthermore, the Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

Defendants also object to the Request to the extent that it requires the Defendants to produce documents in a form in which they are not normally maintained. Without waiving the objections set forth herein, and in a good faith attempt to respond to the discovery requests

propounded by the Plaintiffs, the Defendants have produced and will continue to produce all case records of the Named Plaintiffs, including print-outs of computerized documentation, which sets forth the information requested herein.

**PLAINTIFFS' 3<sup>RD</sup> REQUEST FOR PRODUCTION**  
**(filed on February 2, 2005)**  
**Defendants' Responses filed on April 3, 2005**  
*(see responses below)*

**AGREED ORDER FOR EXTENSION OF TIME TO RESPOND TO 3<sup>RD</sup> REQUESTS**  
**filed on March 3, 2005 (until April 4, 2005)**

**DEFENDANTS' RESPONSES TO PLAINTIFFS 1<sup>ST</sup> REQUEST FOR PRODUCTION**  
**(filed on March 4, 2005)**

General Objections

Defendants object to the Requests for Production of Documents propounded by the Plaintiffs to the extent that these discovery requests seek information or documents not in the custody of or control of Defendants. Defendants further object to these discovery requests to the extent that such request solicit documents related to the purported Protective Services Class and In-Custody Class identified in the Amended Complaint, the related claims of the purported class members and documents requested in support of all claims dismissed from this action by order of the Court dated November 19, 2004.

Defendants object to requests for the production of documents which are unrelated to the claims of the named Plaintiffs remaining in this action, and those requests for documents which identify children who are in the custody of the State of Mississippi and who are not Plaintiffs in this case and who are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children

in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

By producing documents in response to Plaintiffs' discovery, Defendants do not admit to the relevance or admissibility of the same.

Without waiving objections, Defendants respond as follows:

Document Request No. 1: Any and all documents in your possession, custody or control relating to each of the named plaintiffs for the entire time that they have been known to DHS, including but not limited to, case files and other records created or maintained by DHS, and any public or private agencies that have contracted with DHS to provide child welfare services or that otherwise provide such services.

Response No. 1. Defendants will produce all such documents relating to the named Plaintiffs in accordance with the Amended Case Management Order issued by the Court on December 17, 2004.

Document Request No. 2: All written policies, procedures and directives in your possession, custody or control, issued by DFCS at the state and regional level and in effect as of March 30, 2004, or thereafter, that relate to protecting and providing services to children in DHS custody, including but not limited to such policies, procedures and directives regarding:

- a. Taking children into DHS custody.
- b. Assessing children taken into DHS custody.
- c. Selecting placements for children taken into DHS custody.
- d. Placing children in DHS custody with relatives.
- e. Placing children in DHS custody in settings that have not been licensed by DHS.
- f. Providing foster care and case management services.
- g. Reporting, receiving, memorializing, screening and processing reports of abuse or neglect of children in DHS custody.
- h. Investigating reports of abuse and neglect of children in DHS custody.
- i. Referring reports of abuse and neglect of children in DHS custody to the Youth Court.
- j. Evidencing or substantiating reports of abuse or neglect of children in DHS custody.
- k. Selecting a permanency goal (e.g. reunification, permanent relative placement, adoption, emancipation).

- l. Legally freeing children for adoption.
- m. Placing children in adoptive homes.
- n. Monitoring compliance with all state and federal laws, rules, regulations and policies governing the provision of child welfare services to children in DHS custody.

Response No. 2: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants previously produced the current Mississippi Department of Human Services, Division of Family and Children's Services Policy and Procedures Manual. Defendants will supplement this production in the event DFCS institutes additional policies and procedures.

Document Request No. 3: All current organizational charts for DHS and DFCS in your possession, custody or control, listing job titles and names of persons who hold those titles.

Response No. 3: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following: Organizational Charts; Social Services Employee Reports; Termination/Resignation Charts; Personnel Action Log; Hiring Ratio Charts; Workloads; Staffing; Population; and Workers Needed (DHS Bates No. 019700-020100).

Document Request No. 4: All documents in your possession, custody or control, reflecting or concerning the data elements currently capable of being input into MACWIS and all documents reflecting all types of reports that MACWIS is currently capable of generating.

Response No. 4: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the chart of MACWIS-generated reports (Bates No. DHS 020101-020109).

Document Request No. 5: All documents in your possession, custody or control, regarding problems and/or inaccuracies in MACWIS data such as described on pages 22-23 of the Self-Assessment and all documents regarding efforts to address those problems and/or inaccuracies.

Response No. 5: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Memo from United States Department of Human Services (USDHS) Administration for Children and Family Relations relating to Review of NCANDS Child and Agency Files, Data Year 2002 with enclosures, dated August 27, 2003 (Bates No. DHS 001131-001158);
- 2) Service Request Completion Checklist enclosing report by National Resource Center for Information Technology in Child Welfare, Service Request 20980 (Bates No. DHS 01159-001184);
- 3) AFCARS Foster Care Data Compliance Detailed Report, March 2003 (Bates No. DHS 001185-001275);
- 4) AFCARS Foster Care Data Compliance Detailed Report, September 2003 (Bates No. DHS 001276-001369);
- 5) AFCARS Foster Care Data Compliance Detailed Report, March 2004 (Bates No. DHS 001370-001465);
- 6) AFCARS Foster Care Data Compliance Detailed Report September 2004 (Bates No. DHS 001466-001563).

Document Request No. 6: All documents in your possession, custody or control regarding the progress in achieving full MACWIS integration into county casework such as described on page 22 of the Self-Assessment.

Response No. 6: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) All such documents produced in Response to Document Request No. 5 above;  
and
- 2) The MACWIS Technical Workplan for Changes and Enhancements Report from November 18, 2004–January 9, 2005 (Bates No. DHS 020110-020127).

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS including but not limited to:

- a. Aggregate reports detailing regional and state data totals, such as discussed on page 21 of the Self-Assessment.
- b. Reports provided to the Quality Improvement Unit, the Foster Care Review Staff and Regional Directors.
- c. Monthly and quarterly reports generated for purposes of corrective action and system evaluation, including but not limited to reports concerning monthly contacts by caseworkers with foster children and the provision of medical care to foster children, such as described on page 49 of the Self-Assessment.
- d. Reports that identify children who have been in the custody of DHS 15 out of the last 22 months.
- e. Reports reflecting the number of abuse and neglect investigations that have been undertaken, including any reports that identify the number of investigations on in DHS custody.
- f. Custody Contact, Open Investigations and Permanency Reports.

Response No. 7: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Dormant Cases - No Activity for 6 Months or More – Summary by Region (Bates No. DHS 005837-005842);
- 2) MDHS Abuse & Neglect Intake Report – Summary (Bates No. DHS 006266-006298);
- 3) MDHS Adult Abuse & Neglect Intake Report – Summary (Bates No. DHS 006299-006408);
- 4) MDHS Child Abuse & Neglect Intake Report – Summary (Bates No. DHS 006409-006518);
- 5) MDHS Custody Contact Report – Summary (Bates No. DHS 007620-007637);
- 6) Investigations Open More Than 30 Days - ANE Child Only Records – Summary (Bates No. DHS 008381, DHS 008382, DHS 008384, DHS 008387, DHS 008388, DHS 008390, DHS 008392, and DHS 008394-008417);
- 7) Investigations Open More Than 30 Days - ANE Adult Only Records – Summary (Bates No. DHS 008383, DHS 008385, DHS 008386, DHS 008389, DHS 008391, DHS 008393, and DHS 008418-008432);
- 8) Request for Reimbursement of Family & Children Services Funds – Summary (Bates No. DHS 0018015-018549);
- 9) Listing of Children with Eligibility Status – Summary (Bates No. DHS 018550-0018553);
- 10) Listing of Children with Eligibility CWS – Summary (Bates No. DHS 018990);
- 11) Listing of Children with Eligibility IVE – Summary (Bates No. DHS 019004 and DHS 019026);

12) Count of Maltreated Children while in Custody in a Placement – Summary (Bates No. DHS 019057 and DHS 019059);

13) Summary of Maltreated Children while in Custody in a Placement – Summary (Bates No. DHS 019058 and DHS 019060);

14) Avg. Length of Time between Court Custody and Adoption Finalization – Summary (Bates No. DHS 019061-019068);

15) Social Services Block Grant ("SSBG") Programmatic Reporting Worksheet – Summary (Bates No. DHS 019069-019072);

16) Summary of Children in Custody by Age, Race and Sex – Summary (Bates No. DHS 019073-019076);

17) Listing of Children Freed for Adoption – Summary (Bates No. DHS 019077-019091);

18) Children who are Legally Free for Adoption – Summary (Bates No. DHS 019092-019094);

19) Adoption Cash Requirement Journal – Summary (Bates No. DHS 020537-020540);

20) Adoption Assistance SAAS Interface Journal Voucher – Summary (Bates No. DHS 020541-020544);

21) Children with Court Ordered TPR Request – Summary (Bates No. DHS 020545-020564);

22) Open Custody Cases: Length of Time Open – Summary (Bates No. DHS 020736-021025 and DHS 021040-021136);

- 23) Closed Summary Page – Summary (Bates No. DHS 021026-021028 and DHS 021137);
- 24) Children without Social Security Number – Summary (Bates No. DHS 021138-021139);
- 25) List of Active Incoming ICPC Direct Services – Summary (Bates No. DHS 021220-021221);
- 26) Children with Re-Entries into Care – Summary (Bates No. DHS 021301-021303);
- 27) Number of Children Entering State Custody & Their Permanency Plan – Summary (Bates No. DHS 021378-021655);
- 28) Independent Living Report for Children Over 14 in Custody – Summary (Bates No. DHS 021656);
- 29) Stability of Foster Care Placements/Emergency Shelter Care – Summary (Bates No. DHS 022007-022020);
- 30) Adult Abuse & Neglect Intake Report – Summary (Bates No. DHS 022608-022717);
- 31) Child Abuse & Neglect Intake Report – Summary (Bates No. DHS 022718-022846);
- 32) Abuse & Neglect Intake Report – Summary (Bates No. DHS 022847-022956);
- 33) Number of Placements for Children in Active Custody – Summary (Bates No. DHS 023226-023265);
- 34) Number of Children in Placement by Placement Type – Summary (Bates No. DHS 023623-023642);

35) Summary of Children in Placement by Placement Type – Summary (Bates No. DHS 023643-023648);

36) Number of Children Leaving State Custody and Their Outcome – Summary (Bates No. DHS 023740-024253);

37) Prevention Cases Region Summary (Bates No. DHS 024254-024289);

38) Protection Cases Region Summary (Bates No. DHS 024290-024325);

39) Performance Measure Data for Fiscal Year 2005 – Summary (Bates No. DHS 024326-024329);

40) Support Services Count, Lists of Support Services with Recipients Count and Dollars Spent – Summary (Bates No. DHS 024330-024335);

41) Child Investigation Timeliness Report – Summary (Bates No. DHS 024336-024342, DHS 024351-022413, and DHS 024668-025332); and

42) Adult Investigation Timeliness Report – Summary (Bates No. DHS 024343-024350, DHS 024414-024485, and DHS 025333-025728).

Furthermore, in addition to the above stated objections, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

Without waiving objections, Defendants will identify the following documents without producing documents in which any non-Plaintiff children are named:

- 1) MDHS Listing of Children Currently in Custody with Conference Report Date More Than 6 Months – Detail (Bates No. DHS 001565-001624);
- 2) MDHS Pending Conference Reviews – Detail (Bates No. DHS 001625-003433);
- 3) MDHS Children Leaving Custody – Detail (Bates No. DHS 003435-003617);
- 4) Listing of Children Currently in Custody – Detail (Bates No. DHS 003618-004053, DHS 004055-005242);
- 5) Active Cases Without Active ISP – Detail (Bates No. DHS 005243-005836);
- 6) Dormant Cases - No Activity for 6 Months or More – Detail (Bates No. DHS 005843-006265);
- 7) ASFA Compliance Report – Children Who Have Been in Custody for 15 or More of the Past 22 Months – Detail (Bates No. DHS 006519-006961, DHS 006963-007152, DHS 007154-007247, DHS 007249-007340, DHS 007342-007433, DHS 007435-007526, and DHS 007528-007619);
- 8) ASFA Compliance Report - Custody that could not be processed correctly – Detail (Bates No. DHS 006862, 006962, 007153, 007248, 007341, 007434, and 007527);
- 9) MDHS Custody Contact Report – Detail (Bates No. DHS 007638-008380);
- 10) Investigations Open More Than 30 Days - ANE Child Only Records – Detail (Bates No. DHS 008433-009450 and DHS 009588-009739);
- 11) Investigations Open More Than 30 Days - ANE Adult Only Records – Detail (Bates No. DHS 009451-009587 and DHS 009740-009875);

- 12) Request for Reimbursement of Family & Children Services Funds – Detail (Bates No. DHS 017424-0018014);
- 13) Listing of Children with Eligibility Status – Detail (Bates No. DHS 0018554-018989);
- 14) Listing of Children with Eligibility CWS – Detail (Bates No. DHS 018991-019003);
- 15) Listing of Children with Eligibility IVE – Detail (Bates No. DHS 019005-019025 and DHS 019027-019056);
- 16) Children who are Legally Free for Adoption – Detail (Bates No. DHS 019095-019149);
- 17) Adoptive Home Payment Register – Detail (Bates No. DHS 020128-020536);
- 18) Children with Court Ordered TPR Requests – Detail (Bates No. DHS 020565-020723);
- 19) Open Custody Cases: Summary & Exception Report – Detail (Bates No. DHS 020724-020735 and DHS 021029-021039);
- 20) Children in Custody without Valid Social Security Number – Detail (Bates No. DHS 021140-021217);
- 21) Active Incoming ICPC for other than Household Member or Inactive Case – Detail (Bates No. DHS 021218-021219);
- 22) List of Active Incoming ICPC Direct Services – Detail (Bates No. DHS 021222-021300);
- 23) Children with Re-Entries into Care – Detail (Bates No. DHS 021304-021377);

24) Independent Living Report for Children Over 14 in Custody – Detail (Bates No. DHS 021657-021744);

25) Stability of Foster Care Placements/Emergency Shelter Care – Detail (Bates No. DHS 021745-022006);

26) List of Placement Services – Detail (Bates No. DHS 022021-022071);

27) List of Preventive/Protective – Detail (Bates No. DHS 022072-022134);

28) Listing of Active Placement Children Age 14 & Older - Detail (Bates No. DHS 022135-022540);

29) Listing of Children Age 14 & Older who Left Custody – Detail (Bates No. DHS 022541-022607);

30) Children in Custody 14 & Over, 12th Grade & Higher – Detail (Bates No. DHS 022957-023225);

31) List of Direct Services – Detail (Bates No. DHS 023266-023363);

32) Listing of Open Cases – Detail (Bates No. DHS 023364-023426);

33) Listing of Closed Cases – Detail (Bates No. DHS 023427-023497);

34) Listing of Children 17 Years & 6 Months – Detail (Bates No. DHS 023498-023622);

35) Children with Custody-Case-Placement Errors – Detail (Bates No. DHS 023649-023739);

36) Child Investigation Timeliness Report – Detail (Bates No. DHS 024668-025332);

37) Adult Investigation Timeliness Report – Detail (Bates No. DHS 025333-025728);

and

38) Investigations with Narrative Errors – Detail (Bates No. DHS 024486-024667).

**Furthermore, without waiving objections, Defendants will produce the following documents that relate to the named Plaintiffs:**

1) MDHS Pending Conference Review (Bates No. DHS 001704, DHS 001951, DHS 002141, DHS 002536, DHS 002858, and DHS 003177 relative to John A.; Bates No. DHS 001710, DHS 001957, DHS 002213, DHS 002544, DHS 002545, DHS 002865, DHS 003185, and DHS 003186 relative to the W Children; Bates No. DHS 001964, DHS 002217, DHS 002548, DHS 002870, and DHS 003190 relative to Cody B.; Bates No. DHS 002134, DHS 002457, DHS 002782, and DHS 003098 relative to Jamison J.; and Bates No. DHS 003107 relative to Olivia Y.);

2) Listing of Children Currently in Custody (Bates No. DHS 003624, DHS 003734, DHS 003843, DHS 004061, DHS 004168, DHS 004274, DHS 004381, DHS 004490, DHS 004598, DHS 004708, DHS 004818, DHS 004925, DHS 005033, and DHS 005140 relative to Jamison J.; Bates No. DHS 003636, DHS 003745, DHS 003854, DHS 003964, DHS 004073, DHS 004180, DHS 004286, DHS 004394, DHS 004502, DHS 004611, DHS 004720, DHS 004830, DHS 004937, DHS 005045, and DHS 005152 relative to John A.; Bates No. DHS 003655, DHS 003764, DHS 003872, DHS 003982, DHS 004090, DHS 004091, DHS 004197, DHS 004303, DHS 004410, DHS 004518, DHS 004627, DHS 004736, DHS 004847, DHS 004954, DHS 005060, and DHS 005169 relative to the W Children; Bates No. DHS 003665, DHS 003773, DHS 003882, DHS 003953, DHS 003990, DHS 004099, DHS 004206, DHS 004312, DHS 004419, DHS 004527, DHS 004637, DHS 004746, DHS 004857, DHS 004964, DHS 005069, and DHS 005178 relative to Cody B.; and Bates No. DHS 004290, DHS 004398, DHS 004506, DHS 004615, DHS 004724, DHS 004834, DHS 004941, DHS 005047, and DHS 005154 relative to Olivia Y.);

3) ASFA Compliance Report – Children Who Have Been in Custody for 15 or More of the Past 22 Months (Bates No. DHS 006560, DHS 006731, DHS 006886, DHS 006984, DHS 007080, DHS 007176, DHS 007270, DHS 007363, DHS 007456, and DHS 007549 relative to Jamison J.; Bates No. DHS 006646, DHS 006817, DHS 006933, DHS 007030, DHS 007125, DHS 007221, DHS 007315, DHS 007410, DHS 007501, and DHS 007595 relative to John A.; Bates No. DHS 006685, DHS 006856, DHS 006958, DHS 007054, DHS 007149, DHS 007244, DHS 007338, DHS 007431, DHS 007524, DHS 007616, and DHS 007617 relative to the W Children; Bates No. DHS 007519 and DHS 007612 relative to Cody B.; and Bates No. DHS 007594 relative to Olivia Y.);

4) MDHS Custody Contact Report (Bates No. DHS 007662, DHS 007877, DHS 007983, DHS 008091, DHS 008196, and DHS 008300 relative to Jamison J.; Bates No. DHS 007711, DHS 007821, DHS 007926, DHS 008032, and DHS 008140 relative to John A.; Bates No. DHS 007715, DHS 007825, DHS 007930, DHS 008034, DHS 008142, DHS 008242, and DHS 008349 relative to Olivia Y.; Bates No. DHS 007742, DHS 007850, DHS 007955, DHS 008062, DHS 008168, DHS 008270, and DHS 008377 relative to the W Children; and Bates No. DHS 008371 relative to Cody B.);

5) Request for Reimbursement of Family & Children Services Funds (Bates No. DHS 017443 and DHS 017830 relative to the W Children; and Bates No. DHS 017447, DHS 017743, and DHS 017837 relative to Cody B.);

6) Listing of Children with Eligibility Status (Bates No. DHS 018560, DHS 018669, DHS 018778, and DHS 018887 relative to Jamison J.; Bates No. DHS 018572, DHS 018681, DHS 018790, and DHS 018899 relative to John A.; Bates No. DHS 018576, DHS 018685, DHS 018794, and DHS 018903 relative to Olivia Y.; Bates No. DHS 018592, DHS 018701, DHS

018810, and DHS 018919 relative to the W Children; and Bates No. DHS 018598, DHS 018707, DHS 018816, and DHS 018924 relative to Cody B.);

7) Listing of Children with Eligibility CWS (Bates No. DHS 018991 relative to John A. and Bates No. DHS 019003 relative to the W Children);

8) Listing of Children with Eligibility IVE (Bates No. DHS 019014 and DHS 019040 relative to Jamison J. and Bates No. DHS 019056 relative to Olivia Y.);

9) Children who are Legally Free for Adoption – Detail (Bates No. DHS 019099, DHS 019100, DHS 019103, DHS 019105, DHS 019118, DHS 019120, DHS 019122, DHS 019135, DHS 019136, DHS 019139, and DHS 019141 relative to the W Children; Bates No. DHS 019106, DHS 019124, and DHS 019142 relative to John A.; and Bates No. DHS 019112, DHS 019130, and DHS 019148 relative to Jamison J.);

10) Adoptive Home Payment Register (Bates No. DHS 020533 and DHS 020534 relative to the W Children);

11) Children with Court Ordered TPR Requests (Bates No. DHS 020582, DHS 020668, and DHS 020721 relative to Cody B.);

12) Independent Living Report for Children Over 14 in Custody (Bates No. DHS 021678 relative to Jamison J. and DHS 021725 relative to John A.); and

13) Listing of Active Placement Children Age 14 & Older (Bates No. DHS 022140, DHS 022222, DHS 022305, DHS 022386, and DHS 022467 relative to Jamison J. and Bates No. DHS 022151, DHS 022233, DHS 022316, DHS 022397, and DHS 022477 relative to John A.).

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer reviews, Program Integrity Unit reviews and all documents regarding any response, corrective action or “action plan” requested or undertaken in relation to those assessments, audits, evaluations and reviews.

Response No. 8: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) State Quarterly Report In-Home Cases for Quarter 3, FY 2002-2003 (Bates No. DHS 009876-009902);
- 2) State Quarterly Report In-Home Cases for Quarter 4, FY 2002-2003 (Bates No. DHS 009903-009948);
- 3) State Report-Prevention/Protection Cases for Quarter 1, FY 2003-2004 (Bates No. DHS 009949-009973);
- 4) State Quarterly Report Quality Improvement for Quarter 3, FY 2003-2004 (Bates No. DHS 009974-010015);
- 5) Region 1E Year End Quality Improvement Report for FY 2003-2003 (Bates No. DHS 010016-010079);
- 6) Region 1E Quality Improvement Report for Quarter 1, FY 2004-2005 (Bates No. DHS 010080-010142);
- 7) Region 1E Quality Improvement Report for Quarter 2 FY 2004-2005 (Bates No. DHS 010143-010206);
- 8) Regions 1E, 1W, II and IV Quality Improvement Report for Quarter 1 FY 2004-2005 (Bates No. DHS 010207-010241);
- 9) Regions 1E, 1W, II and IV Quality Improvement Report for Quarter 2 FY 2004-2005 (Bates No. DHS 010242-010276);
- 10) Homestead 2002 End of Year Report (Bates No. DHS 025729-025752);

- 11) Project Homestead Peer Review 2003 Report (Bates No. DHS 025753-025775);
- 12) Mississippi Permanency Partnership Network Project Homestead Peer Review (Bates No. DHS 025776-025778);
- 13) Title IV-E Foster Care Eligibility Review for the Period April 1, 2002-September 30, 2002 (Bates No. DHS 019150-019152); and
- 14) Quality Improvement Report: Regional Comparison I East, I West, II & IV Mid-Year Report (Bates No. DHS 019153-019257).

Mississippi Department of Human Services maintains six-month reviews of children in the State's custody. However, in addition to the above stated objections, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

Without waiving objections, Defendants will identify the following documents without producing documents in which any non-Plaintiff children are named:

- 1) Periodic Administrative Determination on Children in State's Custody (Bates No. DHS 010277-013827).

**Further, without waiving objections, Defendants will produce the following documents that relate to the named Plaintiffs:**

- 1) Periodic Administrative Determination on Children in State's Custody (Bates No. DHS 010349, DHS 0012202, and DHS 013651 relative to Olivia Y.);
- 2) Periodic Administrative Determination on Children in State's Custody (Bates No. 010582 and DHS 012473 relative to Jamison J.);
- 3) Periodic Administrative Determination on Children in State's Custody (Bates No. 010605 and DHS 012439 relative to Cody B.);
- 4) Periodic Administrative Determination on Children in State's Custody (Bates No. 010687 and DHS 012415 relative to John A.); and
- 5) Periodic Administrative Determination on Children in State's Custody (Bates No. 010847 and DHS 012363 relative to the W Children).

Document Request No. 9: All reports in your possession, custody or control of case planning non-compliance issues generated by the Foster Care Review Program Administrator such as discussed on page 27 of the Self-Assessment and all responses to those reports, including but not limited to all responses from Regional Directors.

Response No. 9: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Furthermore, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and

educational records of children who are in the custody of the Mississippi Department of Human Services.

Without waiving objections, Defendants will identify the following documents without producing documents in which any non-Plaintiff children or adults are named:

- 1) Non-Compliance Issues Report (Bates No. DHS 013828-014298);
- 2) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2002 (Bates No. DHS 026154-026555);
- 3) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2002 (Bates No. DHS 026556-026913); and
- 4) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2003 (Bates No. DHS 026914-027355).

**Further, without waiving objections, Defendants will produce the following documents that relate to the named Plaintiffs:**

- 1) Non-Compliance Issues Report (Bates No. DHS 013905, DHS 013909, and DHS 014289 relative to Olivia Y.);
- 2) Non-Compliance Issues Report (Bates No. DHS 014129 relative to John A.); and
- 3) Foster Care Review Summary Report, Issues in Foster Care Children's Cases (Bates No. DHS 026217, DHS 026626, and DHS 027303 relative to John A.).

Document Request No. 10: All reports in your possession, custody or control regarding the frequency of court reviews for children in DHS custody, including but not limited to Title IV-E Eligibility reviews.

Response No. 10: Defendants do not maintain reports compiled in the form requested by Document Request No. 10.

Document Request No. 11: All reports in your possession, custody or control regarding the number of children in DHS custody who were not provided a periodic case review at least once every six month.

Response No. 11: See Objections and Response to Document Request No. 5.

Document Request No. 12: All “Quality Assurance reports” in your possession, custody or control, including but not limited to the reports that are “consistent with” the Child and Family Service Review, such as discussed on page 43 of the Self-Assessment.

Response No. 12: See Objections and Response to Document Request No. 8.

Document Request No. 13: The Mississippi State Advisory Board’s Annual Assessment of DFCS provided outcome data for each year from 2000 to present.

Response No. 13: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the State Level Citizens Review Board DFCS Five-Year Plan Review and Recommendations May, 2004 (Bates No. DHS 019264-019271).

Document Request No. 14: Every report of “foster care review deficiencies” such as described on page 47 of the Self-Assessment.

Response No. 14: See Objections and Response to Document Request No. 9.

Document Request No. 15: All documents in your possession, custody or control prepared for, concerning or generated by all Statewide Assessment focus groups convened in preparation for the Self-Assessment or thereafter.

Response No. 15: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Memorandum to Gloria Salters and Wanda Gillom from Diana Hiott, dated June 28, 2003, Subject -Focus Groups Needed for the Statewide Assessment (Bates No. DHS 014770-014771);
- 2) Memorandum to Wanda Gillom, Deputy Director of Programs from Robert Hamrick, Program Administrator Sr., dated July 9, 2003, Subject - Focus Group (Bates No. DHS 014772);
- 3) Memorandum to Wanda Gillom, Deputy Director of Programs from Robert Hamrick, Program Administrator Sr., dated July 10, 2003, Subject- Foster Care Review Focus Group (Bates No. DHS 014773);
- 4) Memorandum to John W. O'Bryant, Region IV, et al. from Wanda Gillom, Deputy Director of Division of Family and Children's Services, dated July 17, 2003, Subject - Focus Group (Bates No. DHS 014774); and
- 5) Agenda – Quality Assurance Focus Group dated July 29, 2003 (Bates No. DHS 014775).

Document Request No. 16: All documents in your possession, custody or control prepared for, concerning or generated by any Service Array Assessment, such as described on page 69 of the Self-Assessment.

Response No. 16: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Adams County Service Array Documents (Bates No. DHS 027356-027459);
- 2) Service Array Review: Benton County, Mississippi (Bates No. DHS 027460-027492);

- 3) Service Array Review: DeSoto County, Mississippi (Bates No. DHS 027493-027537);
- 4) Humphreys County Service Array Documents (Bates No. DHS 027538-027594);
- 5) Humphreys County Service Array Documents (Bates No. DHS 027595-027652);
- 6) The Service Array in Child Welfare: A Process for Assessment and Resource Development (for Hancock County) (Bates No. DHS 027653-027751);
- 7) The Service Array in Child Welfare: A Process for Assessment and Resource Development (for Hancock County) (Bates No. DHS 027752-027796);
- 8) Grenada County Service Array Documents (Bates No. DHS 027797-027846);
- 9) Hinds County Service Array Documents (Bates No. DHS 027847-027883);
- 10) Itawamba County Service Array Documents (Bates No. DHS 027884-027925);
- 11) Lauderdale County Service Array Documents (Bates No. DHS 027926-027957);
- 12) Lee County Service Array Documents (Bates No. DHS 027958-028077);
- 13) Leflore County Service Array Documents (Bates No. DHS 028078-028115);
- 14) Madison County Service Array Documents (Bates No. DHS 028116-028159);
- 15) The Service Array in Child Welfare: A Process for Assessment and Resource Development (for Marion County) (Bates No. DHS 028160-028202);
- 16) Neshoba County Service Array Documents (Bates No. DHS 028203-028242);
- 17) The Service Array in Child Welfare: A Process for Assessment and Resource Development (for Pearl River County) (Bates No. DHS 028243-028287);
- 18) Quitman County Service Array Documents (Bates No. DHS 028288-028332);
- 19) Stone County Service Array Documents (Bates No. DHS 028333-028372);
- 20) Warren County Service Array Documents (Bates No. DHS 028373-028404); and

21) Yazoo County Service Array Reports (Bates No. DHS 028405-028443).

Document Request No. 17: Any Annual Assessments conducted by the Homestead Peer Committee.

Response No. 17: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) An email to CBCAP Lead Agencies (Bates No. DHS 019466-019468);
- 2) Community-Based Child Abuse Prevention Annual Performance Report for FY 2004 (Bates No. DHS 019469-019521);
- 3) Community-Based Child Abuse Prevention Annual Performance Report FY 2003 (Bates No. DHS 019522-019595); and
- 4) Community-Based Family Resource and Support Annual Performance Report FY 2002 (Bates No. DHS 019596-019671).

Document Request No. 18: Any adoption disruption assessment, such as discussed on page 81 of the Self-Assessment.

Response No. 18: Defendants are unsure what Plaintiffs are requesting in Document Request No. 18; Page 81 of the Self-Assessment does not reference adoption disruption assessments.

Document Request No. 19: Any Adoptive Families Recruitment Plan Assessment, such as discussed on pages 113-114 of the Self-Assessment.

Response No. 19: Defendants do not maintain records compiled in the form requested in Document Request No. 19.

Document Request No. 20: The Foster Care Reviewers Monthly Activity Reports.

Response No. 20: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Furthermore, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services

Without waiving objections, Defendants will produce the following documents with the names of children who are not plaintiffs in this instant action redacted:

- 1) Foster Care Reviewers' Monthly Activity Reports 2002 (Bates No. DHS 014776-014892);
- 2) Foster Care Reviewers' Monthly Activity Reports 2003 (Bates No. DHS 014893-015002); and
- 3) Foster Care Reviewers' Monthly Activity Reports 2004 (Bates No. DHS 015003-015137).

Document Request No. 21: All documents in your possession, custody or control, reflecting the turnover and vacancy rates for DFCS caseworkers, managers and supervisors.

Response No. 21: See Objections and Response to Document Request No. 3.

Document Request No. 22: All documents in your possession, custody or control concerning DFCS caseworker caseloads, staffing to census ratios, and adequate staffing estimates, such as discussed on pages 12-15 of the Self-Assessment.

Response No. 22: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) All such documents produced in Response to Document Request No. 3 above;
- and
- 2) Direct Service Cases by County (Bates No. DHS 015138-017230).

Document Request No. 23: All documents in your possession, custody or control regarding staffing cutbacks, hiring freezes or temporary assignments at DFCS.

Response No. 23: See Objections and Response to Document Request No. 3.

Document Request No. 24: All documents in your possession, custody or control reflecting the number of children in DHS custody freed for adoption, including the numbers broken down by county.

Response No. 24: See Objections and Response to Document Request No. 7.

Document Request No. 25: All documents in your possession, custody or control reflecting the number of adoptions of children in DHS custody that have been finalized, including the numbers broken down by county.

Response No. 25: See Objections and Response to Document Request No. 5.

Document Request No. 26: All documents in your possession, custody or control reflecting the number of placement moves experienced by children in DHS custody, including the numbers broken down by county.

Response No. 26: See Objections and Response to Document Request No. 7.

Document Request No. 27: All documents in your possession, custody or control reflecting the most current listing of licensed or approved placements for children in DHS custody, whether provided by DHS, other public agencies or by private agencies with which Defendants contract, including the agency providing such placements, the level of care provided by such placements, the location of the placements, the date the placements were licensed or

approved, the number of children approved to be placed in these placements and the number and ages of foster children actually placed in these placements.

Response No. 27: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Licensed Foster Homes (Bates No. DHS 019272-019440); and
- 2) MDHS/DFCS Licensed Facilities and Services, Residential Child Caring Facilities, Child Placing Agencies (Bates No. DHS 019441-019465).

Document Request No. 28: All documents in your possession, custody or control reflecting the placement of children in DHS custody in unlicensed homes or facilities.

Response No. 28: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendants do not place children in unlicensed homes or facilities unless ordered to do so by the Youth Courts of Mississippi. Defendants do not maintain any records compiled in the form requested by Document Request No. 28.

Document Request No. 29: All documents in your possession, custody or control concerning children in DHS custody who are awaiting new foster placements, certain specific placements or certain types of placements, such as therapeutic foster home placements, including but not limited to logs and wait lists.

Response No. 29: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Furthermore, Defendants object to the Request because it seeks the production of information regarding minors who are in the custody of the Mississippi Department of Human

Services but who are not plaintiffs in the instant litigation and are not represented by Plaintiffs' counsel or any other legal representative or "Next Friend" to whom such information may be produced. Any information regarding children in the custody of the Mississippi Department of Human Services is protected from disclosure pursuant to Miss. Code Ann. § 43-21-251 and § 43-21-261 and any other applicable state or federal laws that protect the personal, medical and educational records of children who are in the custody of the Mississippi Department of Human Services.

Without waiving objections, Defendants will identify the following documents without producing documents in which any non-Plaintiff children are named:

1) Therapeutic Foster Care Placement Log & Pending Placements for January and February 2005 (Bates No. DHS 019258-019263).

Document Request No. 30: The current State Plan submitted pursuant to Title IV-B and Title IV-E of the federal Social Security Act, including but not limited to documents required by 42 U.S.C. §§622(b), 629(b), 671, 5106a(d) and 5106(c).

Response No. 30: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Letters dated 11/18/03 & 8/12/03 to Thelma Brittain (Bates No. DHS 017231-017232);

2) Attachment C – Part II – FY 2003, ETV Program Request for Funds for \$222,448 (Bates No. DHS 017233); and

3) MDHS, DIFCS - "Child & Families Service Plan Annual Progress & Services Report, 2003" dated June 30, 2003 (Bates No. DHS 017234-017423).

Document Request No. 31: All statistical reports required to be generated pursuant to 42 U.S.C. §676.

Response No. 31: See Objections and Response to Document Request No. 5.

Document Request No. 32: All reports by Defendants to the Secretary of the federal Department of Health and Human Services pursuant to the Early and Periodic Screening, Diagnostic and Treatment Services Act, 42 U.S.C. §1396a(43)(D).

Response No. 32: Defendants do not maintain records compiled in the form requested in Document Request No. 32. The Mississippi Department of Health may have such reports.

Document Request No. 33: Any and all correspondence received from or set to the Department of Health and Human Services, Administration for Children and Families, from 2003 to the present regarding the 2004 Child and Family Services Review of the State of Mississippi's child welfare program and any related Program Improvement Plan (PIP).

Response No. 33: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. MDHS is in the process of finalizing its Program Improvement Plan and will produce such document when it is finalized and approved by USDHHS.

Without waiving objections, Defendants will produce the following:

- 1) Letter from United States Department of Health and Human Services (Carlis V. Williams, Regional Administrator to Donald R. Taylor, Executive Director, Mississippi Department of Human Services (Bates No. DHS 025779-025781);
- 2) MDHS/DFCS PIP TA Visit Agenda (Bates No. DHS 026059); and
- 3) Email from Carola Pike to Gloria Thornton and Billy Mangold, re: preparation for onsite TA visit (Bates No. DHS 026097-026098).

Document Request No. 34: Any and all Program Improvement Plans (PIPs) submitted to the Department of Health and Human Services, Administration for Children and Families subsequent to the 2004 Child and Family Services Review of the State of Mississippi's child welfare program.

Response No. 34: See Objections and Response to Document Request No. 33.

Document Request No. 35: Any and all documents relating to child maltreatment reports, child abuse and neglect investigations, critical incident reports, child fatality reports or special reviews regarding the abuse or neglect of children in DHS custody or of children in homes or facilities where children in DHS custody reside, including facilities not licensed by DHS.

Response No. 35: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following;

1) All such documents produced in Response to Document Request No. 5 above;  
and

2) Count of Maltreated Children while in Custody in a Placement and Summary of Maltreated Children while in Custody in a Placement (Bates No. DHS 019057-019060) produced in response to Document Request No. 7 above.

**DEFENDANTS' 1<sup>ST</sup> SUPPLEMENTAL RESPONSES  
TO PLAINTIFF'S 1<sup>ST</sup> REQUEST FOR PRODUCTION  
(filed March 23, 2005)**

General Objection

Defendants object to these Requests to the extent that they are overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents, which are subject to the Confidentiality Order entered by the Court on August 5, 2004:

Document Request No. 7: All regular or ad hoc management reports in your possession, custody or control, generated by MACWIS including but not limited to:

- a. Aggregate reports detailing regional and state data totals, such as discussed on page 21 of the Self-Assessment.
- b. Reports provided to the Quality Improvement Unit, the Foster Care Review Staff and Regional Directors.
- c. Monthly and quarterly reports generated for purposes of corrective action and system evaluation, including but not limited to reports concerning monthly contacts by caseworkers with foster children and the provision of medical care to foster children, such as described on page 49 of the Self-Assessment.
- d. Reports that identify children who have been in the custody of DHS 15 out of the last 22 months.
- e. Reports reflecting the number of abuse and neglect investigations that have been undertaken, including any reports that identify the number of investigations on in DHS custody.
- f. Custody Contact, Open Investigations and Permanency Reports.

Response No. 7: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

- 1) MDHS Listing of Children Currently in Custody with Conference Report Date More Than 6 Months – Detail (Bates No. DHS 001565-001624);
- 2) MDHS Pending Conference Reviews – Detail (Bates No. DHS 001625-003433);
- 3) MDHS Children Leaving Custody – Detail (Bates No. DHS 003435-003617);
- 4) Listing of Children Currently in Custody – Detail (Bates No. DHS 003618-004053, DHS 004055-005242);
- 5) Active Cases Without Active ISP – Detail (Bates No. DHS 005243-005836);
- 6) Dormant Cases - No Activity for 6 Months or More – Detail (Bates No. DHS 005843-006265);
- 7) ASFA Compliance Report – Children Who Have Been in Custody for 15 or More of the Past 22 Months – Detail (Bates No. DHS 006519-006961, DHS 006963-007152, DHS

007154-007247, DHS 007249-007340, DHS 007342-007433, DHS 007435-007526, and DHS 007528-007619);

8) ASFA Compliance Report - Custody that could not be processed correctly – Detail (Bates No. DHS 006862, 006962, 007153, 007248, 007341, 007434, and 007527);

9) MDHS Custody Contact Report – Detail (Bates No. DHS 007638-008380);

10) Investigations Open More Than 30 Days - ANE Child Only Records – Detail (Bates No. DHS 008433-009450 and DHS 009588-009739);

11) Investigations Open More Than 30 Days - ANE Adult Only Records – Detail (Bates No. DHS 009451-009587 and DHS 009740-009875);

12) Request for Reimbursement of Family & Children Services Funds – Detail (Bates No. DHS 017424-018014);

13) Listing of Children with Eligibility Status – Detail (Bates No. DHS 0018554-018989);

14) Listing of Children with Eligibility CWS – Detail (Bates No. DHS 018991-019003);

15) Listing of Children with Eligibility IVE – Detail (Bates No. DHS 019005-019025 and DHS 019027-019056);

16) Children who are Legally Free for Adoption – Detail (Bates No. DHS 019095-019149);

17) Adoptive Home Payment Register – Detail (Bates No. DHS 020128-020536);

18) Children with Court Ordered TPR Requests – Detail (Bates No. DHS 020565-020723);

- 19) Open Custody Cases: Summary & Exception Report – Detail (Bates No. DHS 020724-020735 and DHS 021029-021039);
- 20) Children in Custody without Valid Social Security Number – Detail (Bates No. DHS 021140-021217);
- 21) Active Incoming ICPC for other than Household Member or Inactive Case – Detail (Bates No. DHS 021218-021219);
- 22) List of Active Incoming ICPC Direct Services – Detail (Bates No. DHS 021222-021300);
- 23) Children with Re-Entries into Care – Detail (Bates No. DHS 021304-021377);
- 24) Independent Living Report for Children Over 14 in Custody – Detail (Bates No. DHS 021657-021744);
- 25) Stability of Foster Care Placements/Emergency Shelter Care – Detail (Bates No. DHS 021745-022006);
- 26) List of Placement Services – Detail (Bates No. DHS 022021-022071);
- 27) List of Preventive/Protective – Detail (Bates No. DHS 022072-022134);
- 28) Listing of Active Placement Children Age 14 & Older - Detail (Bates No. DHS 022135-022540);
- 29) Listing of Children Age 14 & Older who Left Custody – Detail (Bates No. DHS 022541-022607);
- 30) Children in Custody 14 & Over, 12th Grade & Higher – Detail (Bates No. DHS 022957-023225);
- 31) List of Direct Services – Detail (Bates No. DHS 023266-023363);
- 32) Listing of Open Cases – Detail (Bates No. DHS 023364-023426);

- 33) Listing of Closed Cases – Detail (Bates No. DHS 023427-023497);
- 34) Listing of Children 17 Years & 6 Months – Detail (Bates No. DHS 023498-023622);
- 35) Children with Custody-Case-Placement Errors – Detail (Bates No. DHS 023649-023739); and
- 36) Investigations with Narrative Errors – Detail (Bates No. DHS 024486-024667).

Document Request No. 8: All internal and external assessments, audits, evaluations or reviews of DFCS operations and practice in your possession, custody or control, including but not limited to documents generated by the Quality Improvement Unit, 6-month reviews, Peer reviews, Program Integrity Unit reviews and all documents regarding any response, corrective action or “action plan” requested or undertaken in relation to those assessments, audits, evaluations and reviews.

Response No. 8: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

- 1) Periodic Administrative Determination on Children in State’s Custody (Bates No. DHS 010277-010581; DHS 010583-010604; DHS 010606-010846; DHS 010848-012362; DHS 012364-012438; DHS 012440-012472; DHS 012474-013827).

Document Request No. 9: All reports in your possession, custody or control of case planning non-compliance issues generated by the Foster Care Review Program Administrator such as discussed on page 27 of the Self-Assessment and all responses to those reports, including but not limited to all responses from Regional Directors.

Response No. 9: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

- 1) Non-Compliance Issues Report (Bates No. DHS 013828-014298);
- 2) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2002 (Bates No. DHS 026154-026555);
- 3) Foster Care Review Non-Compliance Issues and Responses from Regional Directors Year 2002 (Bates No. DHS 026556-026913); and
- 4) Foster Care Review Summary Report Issues in Foster Children's Cases Year 2003 (Bates No. DHS 026914-027355).

Document Request No. 20: The Foster Care Reviewers Monthly Activity Reports.

Response No. 20: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following, previously redacted, documents:

- 1) Foster Care Reviewers' Monthly Activity Reports 2002 (Bates No. DHS 014796; DHS 014823-014828; DHS 014832-014834; DHS 014867; DHS 014871; and DHS 014874-014875).
- 2) Foster Care Reviewers' Monthly Activity Reports 2003 (Bates No. DHS 014894; DHS 014914; DHS 014975; DHS 014981; DHS 014886; and DHS 014997); and
- 3) Foster Care Reviewers' Monthly Activity Reports 2004 (Bates No. DHS 015027; DHS 015038; and DHS 015101).

Document Request No. 29: All documents in your possession, custody or control concerning children in DHS custody who are awaiting new foster placements, certain specific placements or certain types of placements, such as therapeutic foster home placements, including but not limited to logs and wait lists.

Response No. 29: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

1) Therapeutic Foster Care Placement Log & Pending Placements for January and February 2005 (Bates No. DHS 019258-019263).

**DEFENDANTS' RESPONSES TO PLAINTIFFS' 3<sup>RD</sup> REQUEST FOR PRODUCTION  
(filed April 3, 2005)**

**General Objections**

Defendants object to the Requests for Production of Documents propounded by the Plaintiffs to the extent that these discovery requests seek information or documents not in the possession, custody, or control of Defendants. Defendants further object to these discovery requests to the extent that such requests solicit documents related to the purported Protective Services Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004, and documents related to claims of the In-Custody Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004.

By producing documents in response to Plaintiffs' requests, Defendants do not admit to the relevance or admissibility of the same.

Without waiving objections, Defendants respond as follows:

Document Request No. 1: All documents concerning Defendants' Eleventh Defense in this action including, but not limited to: (a) all documents concerning the "availability of funds" referred to therein including, without limitation, documents concerning the nature, extent and cause of any limitation on said availability; and (b) all documents concerning "the funds necessary to effectively operate and manage the child welfare system of the State of

Mississippi,” including, without limitation, documents concerning the amount of funds necessary to prevent harm to foster children as well as the calculation thereof.

Response No. 1: Defendants object to this request to the extent it seeks production of documents protected as attorney work product and to the extent it seeks to discover the thought process of defense counsel.

Without waiving objections, see Response to Request No. 3.

Document Request No. 2: Full and complete copies of Mississippi State budgets for each year from 1994 through 2004.

Response No. 2: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants state that Defendants do not maintain documents responsive to Document Request No. 2 and do not have custody or control of documents that may be in the possession of third parties. Plaintiffs may obtain copies of the requested documents from the Mississippi Legislative Budget Office. The requested documents are a matter of public record.

Document Request No. 3: All documents concerning Mississippi State child welfare and foster care budgets, budget presentations, budget requests, denials of budget requests, budget negotiations, budgetary analysis, projections, expenditures, strategic plans, projections, allocations and spending, including, but not limited to: (a) Mississippi State funding for purposes of Mississippi Department of Human Services’ (“DHS”) Division of Family and Children’s Services (“DFCS”) child welfare programs (“State Funding”); and (b) federal funding of any kind, including federal Title IV-E funding, Social Security Act funding (including the state’s plan for implementing the Foster Care Independence Act of 1999 (“FCIA”) or Chafee Foster Care Independence Program), Social Services Block Grant (“SSBG” or Title XX) and/or TANF Block Grant, for purposes of DHS child welfare programs (“Federal Funding”).

Response No. 3: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) MDHS-DFCS FY 2000 Budget Request (Bates No. DHS 031111-031176);
- 2) MDHS-DFCS FY 2001 Budget Request (Bates No. DHS 031177-031244);
- 3) MDHS-DFCS FY 2002 Budget Request (Bates No. DHS 031245-031314);
- 4) MDHS-DFCS FY 2003 Budget Request (Bates No. DHS 031315-031394);
- 5) MDHS-DFCS FY 2004 Budget Request (Bates No. DHS 031395-031466);
- 6) MDHS-DFCS FY 2005 Budget Request (Bates No. DHS 031467-031538);
- 7) MDHS-DFCS FY 2006 Budget Request (Bates No. DHS 031539-031606);
- 8) Memorandum from Teresa Jackson to Peter Boulette dated July 18, 2003 regarding FY 2005 Budget Request Package (Bates No. DHS 030657-030692);
- 9) Memorandum from Billy Mangold to Peter Boulette dated June 21, 2004 regarding FY 2006 Budget Request Package (Bates No. DHS 030693-030751);
- 10) Social Services Block Grant (SSBG) Proposal – Federal Fiscal Year 2005 (Bates No. DHS 030574-030643);
- 11) MDHS 5-Year Strategic Plan for Fiscal Years 2004-2008 (Bates No. DHS 030848-030917); and
- 12) State of Mississippi Plan for 2005-2009, Chafee Foster Care Independence and Educational and Training Vouchers Program (Bates No. DHS 031863-031874).

Document Request No. 4: All documents concerning comparisons between Mississippi and other states in regard to foster care funding, budgets and/or expenditures.

Response No. 4: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Foster Care Services, Fiscal Aspects of Foster Care, Foster Board Payment Breakdown (Bates No. DHS 031875);
- 2) Copy of Miss. Code Ann. § 43-15-17 (Bates No. DHS 031876);
- 3) Memorandum from Executive Director of Mississippi Association of Child Care Agencies, Inc. to MDHS dated April 25, 2000 regarding “Funding for Levels of Community Residential Care and *per diem* Operating Costs” (Bates No. DHS 031877-031881);
- 4) Table 6 – Estimated annual expenditures on a child by husband-wife families, Rural areas, 2003 (Bates No. DHS 031882);
- 5) Table 4 – Estimated annual expenditures on a child by husband-wife families, urban South, 2003 (Bates No. DHS 031883);
- 6) Table 7 – Estimated annual expenditures on a child by single-parent families, overall United States, 2003 (Bates No. DHS 031884);
- 7) Facts About Foster Care (Bates No. DHS 031885-031886);
- 8) The Cost of Raising a Child Compared to Foster Care Maintenance Payments (Bates No. DHS 031887-031892);
- 9) Table by State of Board Rates (Bates No. DHS 031893-031894); and
- 10) National Center for Resource Family Support Table by State of Foster Care Reimbursement Rates (DHS 031895-031896).

Document Request No. 5: Other than in connection with this action, all documents reflecting court and/or administrative proceedings concerning Mississippi foster care budgetary and/or fiscal matters.

Response No. 5: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants state that Defendants do not maintain documents responsive to Document Request No. 5.

Document Request No. 6: All documents of legislative hearings, proceedings, or testimony and/or legislative submissions concerning DHS and DFCS budgetary and/or fiscal matters in regard to child welfare and/or foster care.

Response No. 6: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) House Bill No. 1747 (Bates No. DHS 032906-032913);
- 2) House Bill No. 1551 (Bates No. DHS 032914-032920);
- 3) Senate Bill No. 2905 (Bates No. DHS 032921-032923);
- 4) House Bill No. 1795 (Bates No. DHS 032924-032939);
- 5) House Bill No. 1625 (Bates No. DHS 032940-032955);
- 6) House Bill No. 1634 (Bates No. DHS 032956-032971);
- 7) Senate Bill No. 3182 (Bates No. DHS 032972-032975); and
- 8) House Bill No. 1642 (Bates No. DHS 032976-032991).

Document Request No. 7: All documents concerning federal Title IV-E penetration rates and reimbursements for administrative and training expenses for the fiscal years 2000 through the current fiscal year.

Response No. 7: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated February 28, 2001 enclosing Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 1999 (Bates No. 030918-030924);
- 2) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated April 28, 2000 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending March 31, 2000 (Bates No. 030925-030933);
- 3) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated August 25, 2000 enclosing Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending June 30, 2000 (Bates No. 030934-030943);
- 4) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated January 29, 2001 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 2000 (Bates No. 030944-030951);
- 5) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated April 27, 2001 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending March 31, 2001 (Bates No. 030952-030960);
- 6) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated July 30, 2001 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending June 30, 2001 (Bates No. 030961-030969);
- 7) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated October 30, 2001 enclosing Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending September 30, 2001 (Bates No. 030970-030978);

8) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated January 30, 2001 enclosing Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 2001 (Bates No. 030979-030986);

9) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated April 30, 2002 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending March 31, 2002 (Bates No. 030987-030991);

10) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated July 30, 2002 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending June 30, 2002 (Bates No. 030992-031000);

11) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated October 30, 2002 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending September 30, 2002 (Bates No. 031001-031010);

12) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated January 30, 2003 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 2002 (Bates No. 031011-031020);

13) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated July 9, 2003 enclosing Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending March 31, 2003 (Bates No. 031021-031038);

14) Letter from Sandra Maddox, Director of Division of Budgets and Accounting to USDHHS dated July 30, 2003 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending June 30, 2003 (Bates No. 031039-031047);

15) Letter from Linda Barnes, Acting Director of Division of Budgets and Accounting to USDHHS dated October 30, 2003 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending September 30, 2003 (Bates No. 031048-031057);

16) Letter from Peter Boulette, Director of Division of Budgets and Accounting to USDHHS dated January 30, 2004 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 2003 (Bates No. 031058-031076);

17) Letter from Peter Boulette, Director of Division of Budgets and Accounting to USDHHS dated April 28, 2004 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending March 31, 2004 (Bates No. 031077-031086);

18) Letter from Peter Boulette, Director of Division of Budgets and Accounting to USDHHS dated July 30, 2004 enclosing IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending June 30, 2004 (Bates No. 031087-031091);

19) Letter from Peter Boulette, Director of Division of Budgets and Accounting to USDHHS dated October 29, 2004 regarding Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending September 30, 2004 (Bates No. 031092-031102); and

20) Letter from Peter Boulette, Director of Division of Budgets and Accounting to USDHHS dated January 27, 2005 regarding Revised IV-E Quarterly Report for Expenditures, ACF-IV-E-1 for the quarter ending December 31, 2004 (Bates No. 031103-031110).

Document Request No. 8: All documents concerning Title IV-E funding increases, decreases or impairments for each and any of the fiscal years 2000 through the current fiscal year, including, but not limited to, instances in which Title IV-E funding was impaired, permanently or temporarily, for any reason, such as (a) the placement of otherwise Title IV-E eligible children into foster care homes or facilities not meeting federal eligibility criteria; (b) lapsed legal custody orders; (c) untimely annual permanency hearings; (d) the failure by DHS to obtain an initial court order providing that removal was “in the best interests” of the foster child; (e) the failure to obtain a court order within 60 days of removal providing that “best efforts were used to avoid the need for removal” by DHS; and/or (f) failure to hold annual permanency hearings.

Response No. 8: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) All such documents produced in Response to Document Request No. 7 above;
- 2) Table of DFCS, Title IV-E Penetration Rate (data range from March 2001 through December 2004) (Bates No. DHS 030758);
- 3) Foster Care Services, Fiscal Aspects of Foster Care, Foster Board Payment Breakdown (Bates No. DHS 030759);
- 4) Table of DFCS, Children in Custody (data range from SFY 2000 through 2004) (Bates No. DHS 030760);
- 5) DFCS report on permanency orders (from October 1, 2003 through June 30, 2004) (Bates No. DHS 030761);
- 6) Table of DFCS IV-E changes as of September 30, 2002 (Bates No. DHS 030762);
- 7) Table and Pie-chart of DFCS IV-E Status Report as of October 2004 (November 2004) (Bates No. DHS 030763); and
- 8) Table and Pie-chart of DFCS IV-E Status Report as of October 2004 (December 2004) (Bates No. DHS 030764).

Document Request No. 9: All reports and/or periodic reviews concerning Title IV-E foster care eligibility including, but not limited to: (a) the Mississippi Title IV-E Foster Care Eligibility Review for the period April 1, 2002 to September 30, 2002, as well as all supporting documents; and (b) Sue M. Perry's March 1, 2002 Eligibility Rate memorandum as well as all supporting documents.

Response No. 9: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Letter from USDHHS to MDHS dated January 14, 2004 regarding disallowance related to IV-E Eligibility Review of 2003 (Bates No. DHS 032892-032895);
- 2) Mississippi Title IV-E Foster Care Eligibility Review for the Period April 1, 2002 to September 30, 2002 (printed from <http://www.acf.hhs.gov/programs/cb/cwrp/final/msfinal.htm> on February 9, 2005) (Bates No. DHS 032896-032898); and
- 3) Letter from USDHHS to MDHS dated October 31, 2003 regarding approval of mandated PIP (Bates No. DHS 032899-032905).

Document Request No. 10: Documents stating, or otherwise sufficient to establish, the total number of foster care children taken into DHS custody for each of the fiscal years 2000 through the current fiscal year and, for each such year, the total number of foster children: (a) determined to be eligible for Title IV-E funds; and (b) designated and submitted as Title IV-E eligible to HHS for purposes of federal matching funds..

Response No. 10: See Objections and Responses to Request No. 7.

Document Request No. 11: Documents stating, or otherwise sufficient to establish, the amounts of State Automated Child Welfare Information Systems ("SACWIS") Title IV-E funds (and federal matching fund rate) secured by Mississippi for fiscal years 2000 through the current fiscal year.

Response No. 11: See Objections and Responses to Request No. 7.

Document Request No. 12: Documents stating, or otherwise sufficient to establish, for each of the fiscal years 2000 through the current fiscal year, State per diem rates paid to (a) family foster homes, (b) private foster care agencies, (c) kinship care homes and (d) group or institutional foster care providers and the applicable procedures for setting them for each foster child care providers and the applicable procedures for setting them for each foster child.

Response No. 12: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Foster Care Services, Fiscal Aspects of Foster Care, Foster Board Payment Breakdown (Bates No. DHS 032883).

Document Request No. 13: All documents reflecting DHS and/or state legislature methodologies to determine the amount of the current maintenance payment or per diem rates furnished by DHS under 42 U.S.C. §675(f)(A) to: (a) family foster homes; (b) private foster care agencies; (c) kinship care homes and (d) group or institutional foster care providers.

Response No. 13: See Objections and Responses to Request No. 4.

Document Request No. 14: Documents stating, or otherwise sufficient to establish, the State of Mississippi's TANF Block Grant in each of the state fiscal years 2000 through the current fiscal year and the total TANF "carryover fund" currently held by Mississippi with the federal government.

Response No. 14: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Letter from USDHHS to MDHS dated January 1, 2005 regarding notice of (TANF) grant award for FY 2005 (Bates No. DHS 030757);

2) Letter from USDHHS to MDHS dated September 30, 2004 regarding notice of (TANF) grant award for FY 2004 (Bates No. DHS 030756);

3) Letter from USDHHS to MDHS dated July 1, 2003 regarding notice of (TANF) grant award for FY 2003 (Bates No. DHS 030755);

4) Letter from USDHHS to MDHS dated July 1, 2002 regarding notice of (TANF) grant award for FY 2002 (Bates No. DHS 030754);

5) Letter from USDHHS to MDHS dated July 1, 2001 regarding notice of (TANF) grant award for FY 2001 (Bates No. DHS 030753);

6) Letter from USDHHS to MDHS dated July 1, 2000 regarding notice of (TANF) grant award for FY 2000 (Bates No. DHS 030752);

7) TANF Financial Data For FY 1999 Federal Funds Spent in FY 2000 – Spending from Federal TANF Grant in FY 2000 through the Fourth Quarter (Bates No. DHS 032884-032885);

8) TANF Financial Data for FY 2000 Federal Funds Spent in FY 2001 – Spending from Federal TANF Grant in FY 2001 through the Fourth Quarter (Bates No. DHS 032886-032887);

9) TANF Financial Data for FY 2002 Federal Funds Spent in FY 2002 – Spending from Federal TANF Grant in FY 2002 through the Fourth Quarter (Bates No. DHS 032888-032889); and

10) TANF Financial Data for Combined Federal Funds Spent in FY 2003 – Spending from Federal TANF Grant in FY 2003 through the Fourth Quarter (Bates No. DHS 032890-032891).

Document Request No. 15: Documents stating, or otherwise sufficient to identify, by facility, the number of children in DHS custody in a juvenile detention facility placement for reasons other than a delinquency determination (i.e., DFCS has no available alternative placement) and for each such child the number of days in such a placement for each of the fiscal years 2000 through the current fiscal year).

Response No. 15: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants state that Defendants do not maintain documents responsive to Document Request No. 15.

Document Request No. 16: All documents concerning state and federal audits or reviews of DHS or DFCS fiscal practices related to the funding of DFCS programs including but not limited to documents prepared by independent third parties.

Response No. 16: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Letter from State Auditor to Executive Director, DHS dated December 20, 2004 regarding Financial Audit Management Report for Fiscal Year 2004 (Bates No. DHS 031859-031862);
- 2) Letter from State Auditor to Executive Director, DHS dated December 9, 2003 regarding Financial Audit Management Report for Fiscal Year 2003 (Bates No. DHS 031828-031836);
- 3) Letter from State Auditor to Executive Director, DHS dated December 9, 2003 regarding Single Audit Management Report for Fiscal Year 2003 (Bates No. DHS 031837-031858);
- 4) Letter from State Auditor to Executive Director, DHS dated January 31, 2003 regarding Financial Audit Management Report for Fiscal Year 2002 (Bates No. DHS 031810-031814);

- 5) Letter from State Auditor to Executive Director, DHS dated January 31, 2003 regarding Single Audit Management Report for Fiscal year 2002 (Bates No. DHS 031815-031827);
- 6) Letter from State Auditor to Executive Director, DHS dated January 25, 2002 regarding Financial Audit Management Report for Fiscal Year 2001 (Bates No. DHS 031777-031785);
- 7) Letter from State Auditor to Executive Director, DHS dated January 25, 2002 regarding Single Audit Management Report for Fiscal Year 2001 (Bates No. DHS 031786-031809);
- 8) Letter from State Auditor to Executive Director, DHS dated January 24, 2001 regarding Financial Audit Management Report for Fiscal Year 2000 (Bates No. DHS 031753-031759);
- 9) Letter from State Auditor to Executive Director, DHS dated January 24, 2001 regarding Single Audit Management Report for Fiscal Year 2000 (Bates No. DHS 031760-031776);
- 10) Office of Inspector General – Review of Mississippi’s Participation in Title IV-B dated September 2001 (Bates No. DHS 031747-031752);
- 11) Agreement in the Matter of Mississippi Department of Human Services, USDHHS Appeals Board, Board Docket No. A-01-17 regarding disallowance of expenditures under Title IV-E (Bates No. DHS 031717-031719);
- 12) Letter from USDHHS to Don Lewis, Esq. dated September 29, 2003 enclosing letter of same date from USDHHS to Executive Director, MDHS regarding request for a waiver of interest (Bates No. DHS 031720-031722);

13) Letter from USDHHS to Executive Director, MDHS dated October 20, 2000 regarding “Review of Mississippi’s Retroactive Claim for Foster Care Administrative and Training Costs and Maintenance Payments” (Bates No. DHS 031723-031734);

14) Letter from USDHHS to Executive Director, MDHS dated January 10, 2005 regarding mandated PIP (Bates No. DHS 031656-031657);

15) Letter from USDHHS to Executive Director, MDHS dated October 31, 2003 regarding mandated PIP (Bates No. DHS 031658-031664);

16) Letter from MDHS to USDHHS dated May 14, 2003 regarding Title IV-E Foster Care Eligibility Review (Bates No. DHS 031665-031690);

17) Letter from USDHHS to Mintz, et al. dated December 2, 2003 regarding appeals of disallowances for Maryland, New York and New Jersey (Bates No. DHS 031691-031695);

18) Letter from USDHHS to Reines-Graubard dated November 3, 2003 regarding MDHS, Board Docket No. A-03-61 (enclosing Brief for the Administration for Children and Families) (Bates No. DHS 031696-031716); and

19) “The Department of Human Services’ Use of Revenue Maximization Contracts” - Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) Report to the Mississippi Legislature dated December 6, 2000 (Bates No. DHS 031607-031655).

In addition, the State Auditor has drafted a performance audit dated July 15, 2002 (Bates No. DHS 031735-031746). To Defendants’ knowledge, a final report has not issued. If such final report is issued, Defendants will forward the same to Plaintiffs.

Document Request No. 17: All documents concerning the benefits of the DFCS Prevention Unit and/or other preventive services measure including, but not limited to, studies, projects and reports concerning the effectiveness of such measures in reducing the entry of children into DFCS foster care custody.

Response No. 17: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Stats for the State of Mississippi (Family Preservation Annual Reports) for Calendar Year 2000 (Bates No. DHS 030765);
- 2) Stats for the State of Mississippi (Family Preservation Annual Reports) for Calendar Year 2001 (Bates No. DHS 030766);
- 3) Stats for the State of Mississippi (Family Preservation Annual Reports) for Calendar Year 2002 (Bates No. DHS 030767);
- 4) Stats for the State of Mississippi (Family Preservation Annual Reports) for Calendar Year 2003 (Bates No. DHS 030768); and
- 5) Family Preservation Statistical Demographics – January through June 2004 (Bates No. DHS 030768A).

Document Request No. 18: All documents reflecting DFCS's efforts to (a) maximize the availability of general funds; and (b) maximize federal matching funds.

Response No. 18: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Memorandum of Understanding between MDHS and Partnership for a Healthy Mississippi (Bates No. DHS 031902-031903);
- 2) Memorandum of Understanding between MDHS and Miss. Dept. of Mental Health (Bates No. DHS 031900-031901); and

3) Memorandum of Understanding between MDHS and Jackson State University School of Social Work (Bates No. DHS 031898-031899).

Document Request No. 19: All documents concerning DFCS cost-cutting measures.

Response No. 19: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants state that Defendants do not maintain documents responsive to Document Request No. 19.

Document Request No. 20: All documents regarding services rendered to DHS, DFCS or the State of Mississippi by private entities or non-state employed individuals, such as consultants, outside professionals, or academics on a fee or volunteer basis, by contract or informally, on the subject areas listed in Nos. 2-19 above, including all work product, findings and reports generated.

Response No. 20: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Chart of Division of Family and Children's Services, Contractual Services, Fiscal Years 2002 (Bates No. DHS 030644-030646);

2) Chart of Division of Family and Children's Services, Contractual Services, Fiscal Years 2003 (Bates No. DHS 030647-030649);

3) Chart of Division of Family and Children's Services, Contractual Services, Fiscal Years 2004 (Bates No. DHS 030650-030653); and

4) Chart of Division of Family and Children's Services, Contractual Services, Fiscal Years 2005 (as of February 2005) (Bates No. DHS 030654-030656).

Document Request No. 21: All DFCS Weekly Significant Activities Reports.

Response No. 21: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Weekly Significant Activity Reports from January 2004 through February 2005 (Bates No. DHS 031904-032622).

Document Request No. 22: All DFCS and/or DHS Monthly Budget Status Reports.

Response No. 22: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Monthly Budget Status Reports for Division of Family and Children's Services – Fiscal Year 2000 (July 1999 through June 2000) (Bates No. DHS 030769-030780);

2) Monthly Budget Status Reports for Division of Family and Children's Services – Fiscal Year 2001 (July 2000 through June 2001) (Bates No. DHS 030781-030802);

3) Monthly Budget Status Reports for Division of Family and Children's Services – Fiscal Year 2002 (July 2001 through June 2002) (Bates No. DHS 030803-030814);

4) Monthly Budget Status Reports for Division of Family and Children's Services – Fiscal Year 2003 (July 2002 through June 2003) (Bates No. DHS 030815-030826);

5) Monthly Budget Status Reports for Division of Family and Children's Services – Fiscal Year 2004 (July 2003 through June 2004) (Bates No. DHS 030827-030837); and

6) Monthly Budget Status Reports for Division of Family and Children's Services –

Fiscal Year 2005 (July 2004 through January 2005) (Bates No. DHS 030838-030847).

Document Request No. 23: Organizational charts, staffing lists or other documents stating or sufficient to identify, by name and title, those individuals and/or departments responsible for child welfare and foster care budgets, allocations, expenditures and strategic planning in the Governor's Office, DHS and DFCS.

Response No. 23: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, in regards to documents maintained by DFCS, see Responses to Request No. 3 in Defendants' Response to Plaintiffs' First Request for Production of Documents.

Without waiving objections, in regards to documents maintained by DHS, Defendants will produce the following: MDHS organizational chart dated July 1, 2004 (Bates No. DHS 031897).

Without waiving objections, Defendants state that the Office of the Governor does not maintain documents responsive to Request No. 23.

Document Request No. 24: All computer readable data file reflecting all paid Title XIX Medicaid claims on behalf of enrolled foster children from January 1, 2002 through the present.

Response No. 24: Defendants object to this Request in that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Document Request No. 25: A computer readable data file reflecting all foster children currently enrolled for Title XIX Medicaid benefits.

Response No. 25: Defendants object to this Request in that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

**DEFENDANTS' 1st SUPPLEMENTAL RESPONSES TO  
PLAINTIFFS 3rd REQUEST FOR PRODUCTION  
(filed on April 11, 2005)**

Defendants object to these Requests to the extent that they are overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

Document Request No. 16: All documents concerning state and federal audits or reviews of DHS or DFCS fiscal practices related to the funding of DFCS programs including but not limited to documents prepared by independent third parties.

Response No. 16: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

1) Letter from State Auditor to Executive Director, MDHS dated July 22, 2002 regarding selected disbursements from the Children's Trust Fund (Bates No. DHS 031735-031746).

**DEFENDANT'S 2<sup>ND</sup> SUPPLEMENTAL RESPONSES TO  
PLAINTIFF'S 1<sup>ST</sup> REQUEST FOR PRODUCTION  
(filed on April 11, 2005)**

General Objection

Defendants object to these Requests to the extent that they are overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following documents:

Document Request No. 2: All written policies, procedures and directives in your possession, custody or control, issued by DFCS at the state and regional level and in effect as of March 30, 2004, or thereafter, that relate to protecting and providing services to children in DHS custody, including but not limited to such policies, procedures and directives regarding:

- a. Taking children into DHS custody.
- b. Assessing children taken into DHS custody.
- c. Selecting placements for children taken into DHS custody.
- d. Placing children in DHS custody with relatives.
- e. Placing children in DHS custody in settings that have not been licensed by DHS.
- f. Providing foster care and case management services.
- g. Reporting, receiving, memorializing, screening and processing reports of abuse or neglect of children in DHS custody.
- h. Investigating reports of abuse and neglect of children in DHS custody.
- i. Referring reports of abuse and neglect of children in DHS custody to the Youth Court.
- j. Evidencing or substantiating reports of abuse or neglect of children in DHS custody.
- k. Selecting a permanency goal (e.g. reunification, permanent relative placement, adoption, emancipation).
- l. Legally freeing children for adoption.
- m. Placing children in adoptive homes.
- n. Monitoring compliance with all state and federal laws, rules, regulations and policies governing the provision of child welfare services to children in DHS custody.

Response No. 2: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) Bulletin # 5922 dated January 21, 2005 regarding Reports Involving Residents of Unlicensed Personal Care Homes (Bates No. DHS 032623-032629).

Document Request No. 5: All documents in your possession, custody or control, regarding problems and/or inaccuracies in MACWIS data such as described on pages 22-23 of the Self-Assessment and all documents regarding efforts to address those problems and/or inaccuracies.

Response No. 5: Defendants object to this Request to the extent that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving objections, Defendants will produce the following:

- 1) U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth, and Families, Children's Bureau – National Child Abuse and Neglect Data System (NCANDS) – Summary Data Component Survey – 2000 Data Year dated April 2000 (Bates No. DHS 030538-030556);
- 2) National Child Abuse and Neglect Data System (NCANDS) – SDC Data File Report (2001) (Bates No. DHS 030557-030573);
- 3) AFCARS Foster Care Data Compliance Detailed Report, March 2002 (Bates No. DHS 032630-032752); and
- 4) AFCARS Foster Care Data Compliance Detailed Report, September 2002 (Bates No. DHS 032753-032882).

**DEFENDANTS' 2<sup>ND</sup> SUPPLEMENTAL DISCLOSURE OF  
CASE RECORDS OF NAMED PLAINTIFFS  
(filed on April 11, 2005)**

1. For Olivia Y., Defendants are producing documents labeled as DHS Olivia Y. 000104-000157;
2. For Jamison J., Defendants are producing documents labeled as DHS Jamison J. 000286-000401;
3. For John A., Defendants are producing documents labeled as DHS John A. 000083-000135;

4. For Cody B., Defendants are producing documents labeled as DHS Cody B. 000068-000082 and DHS Cody B. 000085-000087. Defendants received two pages from MDHS which were inadvertently included in the records for Cody B. and labeled as DHS Cody B. 000083-000084 but were not related to any children in MDHS custody.

5. For the W. Children, Defendants are producing documents labeled as DHS Williams 000132-000348.

**PLAINTIFFS' 1<sup>ST</sup> INTERROGATORIES TO DEFENDANTS**  
**(filed April 14, 2005)**  
**(Defendants' Responses filed May 24, 2005)**

INTERROGATORY NO. 1: Identify the total number of Foster Children as of the end of each month from January 2004 to the present.

RESPONSE NO. 1: The total number of MDHS foster children as of the end of each month from January 2004 to April 30, 2005, is provided below:

- 1) January 31, 2004: 2,885
- 2) February 29, 2004: 2,940
- 3) March 31, 2004: 2,921
- 4) April 30, 2004: 2,970
- 5) May 31, 2004: 2,922
- 6) June 30, 2004: 2,982
- 7) July 31, 2004: 2,924
- 8) August 31, 2004: 2,981
- 9) September 30, 2004: 3,032
- 10) October 31, 2004: 3,004
- 11) November 30, 2004: 3,012

12) December 31, 2004: 2,976

13) January 31, 2005: 2,997

14) February 28, 2005: 3,019

15) March 31, 2005: 3,080

16) April 30, 2005: 3,145

INTERROGATORY NO. 2: Identify all current Foster Children (or for the most recently available time period, identifying the applicable time period).

RESPONSE NO. 2: In response to Interrogatory No. 2, please see the latest available “Custody Contact Report,” dated May 10, 2005, attached hereto as Exhibit A and labeled as Bates No. DHS 033303-033414.

INTERROGATORY NO. 3: In regard to each Foster Child identified in response to Interrogatory Number 2, identify (a) the level of care assigned to each child (if such a level of care has been assigned); (b) the Foster Child’s current type of Foster Care Placement; (c) the Foster Child’s Permanent Plan(s) and (d) the per diem rate paid (if any) by the Defendants to the Foster Care Placement for that Foster Child.

RESPONSE NO. 3: In response to Interrogatories 3(a) and 3(b), please see report entitled “Report for 48522 – Children,” attached hereto as Exhibit B and labeled as Bates No. DHS 037277 – 037400.

In response to 3(c), please see the “Custody Contact Report,” attached as Exhibit A.

In response to 3(d), please see the “Foster Home Board Rate” report, attached hereto as Exhibit C and labeled as Bates No. DHS 033415-033428.

INTERROGATORY NO. 4: Identify the total number of licensed foster homes available to DFCS for placement of foster children as of (a) January 1, 2004, (b) January 1, 2005, and (c) the present.

RESPONSE NO. 4: In response to Interrogatory No. 4, please see the following reports:

1) “Licensed Foster Homes,” dated January 12, 2004, attached hereto as Exhibit D and labeled as Bates No. DHS 033429-033578;

2) “Listing of Foster Homes,” dated January 12, 2005, attached hereto as Exhibit E and labeled as Bates No. DHS 033579-033747;

3) “Listing of Foster Homes,” dated April 14, 2005, attached hereto as Exhibit F and labeled as Bates No. DHS 033748-033919.

INTERROGATORY NO. 5: Identify the total number of unlicensed relative or kinship homes being used for Foster Care Placements as of (a) January 1, 2004, (b) January 1, 2005, and (c) the present.

RESPONSE NO. 5: MDHS does not place children in unlicensed homes. Such placements are made pursuant to court order only and are classified as “own home” and “child specific relative home.” In response to Interrogatory No. 5, please see the following reports:

1) “Summary of Children in Placements by Placement Type,” dated January 15, 2005, attached hereto as Exhibit G and labeled as Bates No. DHS 036984-036996; and

2) “Summary of Children in Placements by Placement Type,” dated May 14, 2005, attached hereto as Exhibit H and labeled as Bates No. DHS 036971-036983.

INTERROGATORY NO. 6: Identify, each Private Agency that provides, or has provided, licensed or unlicensed Foster Care Placements for foster children at any time from January 1, 2004, through the present.

RESPONSE NO. 6: In response to Interrogatory No. 6, please see MDHS/DFCS – Licensed Facilities and Services – Residential Child Caring Facilities – Child Placing Agencies report, dated January 05, 2005, and attached hereto as Exhibit I and labeled as Bates No. DHS 033920-033947.

INTERROGATORY NO. 7: In regard to each Private Agency identified in response to Interrogatory Number 6, identify, as to each Foster Care Placement provided by such agency:

- a. The name, street address, and county of the Foster Care Placement (*i.e.* the name and the physical location of the foster parent(s) or congregate facility where foster children reside);
- b. The Placement Type;
- c. The approval/licensing status of the Foster Care Placement; the date the Foster Care Placement was initially approved or licensed by DHS; the date of any re-approvals or re-licensings; and the date when re-licensing of the foster care placement is next required;
- d. If the Foster Care Placement is not licensed by DHS, (i) state any reason why it is purportedly exempt from licensing, (ii) state whether it is registered with the Mississippi Department of Health (“MDH”), and, if so registered, (iii) identify the date the placement was initially registered with MDH., the date of any re-registrations with MDH, and the date when re-registration with MDH of the unlicensed foster care placement is next required; and
- e. For both licensed and unlicensed Foster Care Placements, any maximum limit on the number of children approved to be placed in the foster care placement currently (or for the most recently available time period, identifying the applicable time period).

RESPONSE NO. 7: MDHS identifies the foster care placements that are licensed through a private agency as a subordinate resource.

In response to Interrogatory No. 7(a), the name of these subordinate resources may be derived or ascertained from “Report for 48522 - Children,” attached as Exhibit B and “MACWIS – Subordinate Resources” screens, attached as Exhibit N and labeled as Bates No. DHS 037567 - 037587. For the street address and county, please see the report entitled “Report for 48522 – Resources,” attached as Exhibit J and labeled as Bates No. DHS 036977 - 037276.

In response to Interrogatory No. 7(b), please see “Report for 48522 – Children,” attached as Exhibit B.

In response to Interrogatory No. 7(c), please see the report entitled “Report for 48522 – Licenses,” attached as Exhibit K and labeled as Bates No. DHS 037401 - 037566.

In response to Interrogatory No. 7(d), the requested information may be obtained from the Mississippi Department of Health. MDHS does not have the requested information.

In response to Interrogatory No. 7(e), please see “Report for 48522 – Resources,” attached as Exhibit J.

INTERROGATORY NO. 8: Identify all DHS-licensed foster homes in which a Foster Child is currently placed in which more than six children (foster, adoptive, and/or biological) under the age of 18 live, and provide the total number of children living in each of these homes.

RESPONSE NO. 8: Defendants object to this interrogatory as unduly burdensome. The total number of foster children placed in a DHS-licensed foster home as of April 14, 2005, may be derived or ascertained from “Listing of Foster Homes,” attached as Exhibit F. Information concerning the total number of children in each home is indicated in the individual foster home applications and files.

INTERROGATORY NO. 9: Identify all Foster Children currently in an unlicensed placement, whether by court order or otherwise.

RESPONSE NO. 9: In response to Interrogatory No. 9, please see “Report for 48522 – Children,” attached as Exhibit B.

INTERROGATORY NO. 10: State the methodology and process used to determine and set the per diem rates paid to each Foster Care Placement for the placement of Foster Children.

RESPONSE NO. 10: The Foster Care Board rates are determined by legislative authorization and appropriations. The rates are set by MDHS based on the age or special needs of the child. A rate chart is established and updated based on authorization and funding availability.

Contractual rates are negotiated through Requests for Proposal. Rates and number of contracts are based on funding availability.

INTERROGATORY NO. 11: Other than in regard to travel and/or vacation, identify each Foster Child and Named Plaintiff that was required to stay overnight in a hotel or DHS office, and for each child and/or Named Plaintiff, provide the total number of instances (nights) that such accommodations were required.

RESPONSE NO. 11: Defendants object to this interrogatory as unduly burdensome.

Without waiving objections, Defendants state that the answer to this interrogatory may be derived or ascertained from the individual child's case record maintained at the applicable county offices.

INTERROGATORY NO. 12: Identify the total number of abuse and neglect reports received by DHS alleging maltreatment of foster children in Foster Care Placements for (a) 2003, (b) 2004, and (c) the current year to date.

RESPONSE NO. 12: The total number of abuse and neglect reports received by DHS alleging maltreatment of foster children in Foster Care Placements was:

- 1) 29 for 2003;
- 2) 27 for 2004; and
- 3) 6 for 2005 (current as of May 13, 2005).

INTERROGATORY NO. 13: As for the abuse and neglect reports identified in response to subparts (a)-(c) of Interrogatory Number 12, identify, for each subpart, (a) the alleged child victims; (b) whether the reports resulted in a documented investigation; and (c) the reports that were evidenced/substantiated for abuse or neglect.

RESPONSE NO. 13: In response to Interrogatory No. 13, please see "2003 Foster Care Investigations," "2004 Foster Care Investigations," and "2005 Foster Care Investigations" charts, attached as Exhibit L and labeled as Bates No. DHS 035205-035208.

INTERROGATORY NO. 14: Identify all foster children who have died or been involved in critical incidents in (a) 2002, (b) 2003, (c) 2004, and (d) the current year.

RESPONSE NO. 14: No deaths were reported for the period indicated. Any information regarding other incidents involving an in-custody child is contained in each individual child's case records maintained at the applicable county offices.

INTERROGATORY NO. 15: Identify all personnel and entities responsible for investigating or reviewing foster child deaths, critical incidents involving foster children or incidents of alleged maltreatment of foster children.

RESPONSE NO. 15: MDHS does not have staff whose sole responsibility is investigating or reviewing foster child deaths, critical incidents involving foster children or incidents of alleged maltreatment of foster children. The MDHS social workers, area social work supervisors, and regional directors responsible for the county and region in which such an incident occurred would be responsible for such investigations and reviews.

INTERROGATORY NO. 16: Identify the number of foster children, including their names, case numbers, and ages, who were not seen for at least an annual medical examination in (a) 2002, (b) 2003, (c) 2004, and (d) any subsequent calendar year.

RESPONSE NO. 16: Defendants object to this interrogatory as unduly burdensome. The answer to this interrogatory may be derived or ascertained from the individual child's case records maintained at the applicable county offices.

INTERROGATORY NO. 17: Identify Wanda Gillom, former DFCS Deputy Director of Programs.

RESPONSE NO. 17: Defendants object to this interrogatory as unduly burdensome and irrelevant to the instant litigation.

Without waiving objections, Defendants state that Ms. Gillom is no longer employed by MDHS, and Defendants do not have the requested information.

INTERROGATORY NO. 18: Identify all other judicial civil actions filed against Defendants or its employees and agents alleging the provision of deficient care, treatment, services or protection to foster children from 1995 to the present.

RESPONSE NO. 18: There are no other civil actions that MDHS is aware of other than the present action filed against the Defendants, its employees, and agents wherein it is alleged that deficient care, treatment, services, or protection was provided to foster children.

INTERROGATORY NO. 19: Identify all vendors that have contracted with Defendants to provide services to children in foster care.

RESPONSE NO. 19: The answer to this interrogatory may be derived or ascertained from the Division of Family & Children's Services Contractual Services reports for FY 2002, 2003, 2004 and 2005, produced in response to Request No. 20 of Plaintiffs' Third Requests for Production of Documents and labeled as Bates No. DHS 030644-030656.

INTERROGATORY NO. 20: Identify all consultants that have contracted with Defendants, or provided pro bono consultant services to Defendants, regarding DFCS administration, program, services, personnel and training.

RESPONSE NO. 20: The answer to this interrogatory may be derived or ascertained from the MDHS/DFCS – Consultants chart, attached as Exhibit M and labeled as Bates No. DHS 035209.

INTERROGATORY NO. 21: Identify all attorney positions (full-time and part-time) in the Attorney General's Office, and DHS and DFCS, dedicated to representing Defendants in any State Court proceedings regarding the custody of maltreated children.

RESPONSE NO. 21: There are no attorney positions in the Attorney General's Office, DHS, or DFCS dedicated to representing Defendants in any state court proceedings regarding the custody of maltreated children. Custody matters are routinely handled by the county prosecuting attorneys in the particular counties involved in the proceedings.

INTERROGATORY NO. 22: Identify the personnel in the Governor's Office responsible for briefing the Governor on the state of DHS/DFCS's ability to accomplish its critical functions, including the care and protection of Foster Children.

RESPONSE NO. 22: Don Taylor, as Executive Director for MDHS, is responsible for briefing the Governor on all issues relating to MDHS, including the state's foster care program.

INTERROGATORY NO. 23: Identify the person(s) principally responsible for preparing and submitting any Program Improvement Plans to the Department of Health and Human Services (DHHS) as a result of the federal Child and Family Services Review(CFSR).

RESPONSE NO. 23: Gloria Salters, Deputy Director of Finance and Administration, 750 N. State St., Jackson, MS 39202, 601-359-4999.

**PLAINTIFF'S 4<sup>TH</sup> REQUEST FOR PRODUCTION**  
**Filed April 14, 2005**  
**(Defendants' Responses Filed May 24, 2005)**

**General Objections**

Defendants object to these discovery requests to the extent that such requests solicit documents related to the purported Protective Services Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004, and documents related to claims of the In-Custody Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004.

By producing documents in response to Plaintiffs' requests, Defendants do not admit to the relevance or admissibility of the same.

Document Request No. 1: All documents concerning the current DHS staff training curriculum(s), and related training resources/tools such as the TPR flowchart discussed at DHS 017252

Response No. 1: Defendants are producing the Intensive Training for New Social Worker curriculum (Bates No. DHS 033948-035108).

Document Request No. 2: All documents concerning any DHS staff training plan, including but not limited to any training plan developed in collaboration with Child Welfare National Resource Center for Program Development as discussed at DHS 017279.

Response No. 2: This information is included in the Child and Family Service Review Program Improvement Plan ("PIP"). MDHS is in the process of finalizing its PIP and will produce such document when it is finalized and approved by USDHHS.

Document Request No. 3: All documents concerning the Training Institute as described at DHS 017270, 017286, including but not limited to its implementation, curriculum, and attendance.

Response No. 3: Defendants are producing the following:

- 1) Child Welfare Training Institute contract – 01/01/03-06/30/03 (Bates No. DHS 035109-035134);
- 2) Child Welfare Training Institute contract – 07/01/03-06/30/04 (Bates No. DHS 035135-035161);
- 3) Child Welfare Training Institute contract – 12/01/04-06/30/05 (Bates No. DHS 035162-035204).

Defendants state that the contract for 01/01/03-06/30/03 includes training for student recipient of stipends only. The contract for 07/01/03-06/30/04 includes training for student recipient of stipends as well as foster/adoptive training; the curriculum used under this contract was the same as the PATH curriculum produced under Request No. 4 below. The contract for 12/01/04-06/30/05 includes foster/adoption training, as well as staff training; this training is not yet complete, and all the curricula has not yet been developed.

Document Request No. 4: All documents concerning the current DHS training curriculum(s) for foster and adoptive parents.

Response No. 4: Defendants are producing the following:

- 1) PATH – Parents as Tender Healers – Participant’s Handbook (Bates No. DHS 035210-035360); and
- 2) PATH – Parents as Tender Healers – Trainer’s Guide (Bates No. DHS 035361-035742).

**PLAINTIFF’S 5<sup>TH</sup> REQUEST FOR PRODUCTION**  
**Filed April 20, 2005**  
**(Defendants’ Responses Filed May 31, 2005)**

**General Objections**

Defendants object to these discovery requests to the extent that such requests solicit documents related to the purported Protective Services Class identified in the Amended

Complaint but dismissed from this action by order of the Court dated November 19, 2004, and documents related to claims of the In-Custody Class identified in the Amended Complaint but dismissed from this action by order of the Court dated November 19, 2004.

By producing documents in response to Plaintiffs' requests, Defendants do not admit to the relevance or admissibility of the same.

Document Request No. 1: All documents in the possession of the Governor's Office concerning DHS's and DFCS's ability to protect children and meets its mandated functions, including but not limited to briefs, meeting minutes, memos, complaints, letters, email and other communications.

Response No. 1: Defendants object to this request to the extent that it seeks documents protected as attorney work product and to the extent it seeks documents that are subject to the attorney/client privilege. Without waiving objections, the Defendant, Governor Haley Barbour, does not have possession of the documents requested.

Document Request No. 2: A current organizational chart for the Governor's office.

Response No. 2: Defendants do not have any such document.

Document Request No. 3: All current DFCS operations/administrative procedures manuals.

Response No. 3: Defendants previously produced the current Mississippi Department of Human Services, Division of Family and Children's Services Policy and Procedures Manual.

Document Request No. 4: All documents concerning the case review instruments developed for the Quality Improvement program case record reviews beginning in January 2003 and quarterly thereafter, as discussed at DHS 017265, 017279 and 017322.

Response No. 4: Defendants object to Document Request No. 4 as overly broad and unduly burdensome. Without waiving such objection, the Defendants are producing the following documents:

- 1) Quality Improvement – MDHS/DFCS manual (Bates No. DHS 035743-035865);
- 2) Quality Improvement – Reference Guide – 2002-2003 (Bates No. DHS 035866-035877);
- 3) Quality Improvement – Case Record Review Instrument – Placement Case (Bates No. DHS 035878-035937);
- 4) MDHS/DFCS – Client/Family Satisfaction Survey (Bates No. DHS 035938-035948);
- 5) ISP Process document (Bates No. DHS 035949-035955);
- 6) Comparison of Federal Review and Quality Improvement Review chart (Bates No. DHS 035956-035967);
- 7) Quality Improvement – What To Do (Bates No. DHS 035968-035974)
- 8) Determining If an Investigation Is Satisfactory (Bates No. DHS 035975-035979).

Document Request No. 5: All foster care and adoptive parent recruitment documents from 2004 through the present, including but not limited to any transcripts, audio and video files of recruitment ads prepared for public broadcast.

Response No. 5: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objection, the Defendants are producing:

- 1) MP3 Sound File containing four public service announcements and three print advertisements (Bates No. DHS 037635); and
- 2) Hard copies of print advertisements (Bates No. DHS 037588 to 037634).

Document Request No. 6: Any memos, directives and policies concerning the entry of information in the Mississippi Automated Child Welfare Information System (MACWIS).

Response No. 6: Defendants are producing the following:

- 1) MACWIS Desk Reference Guide (Bates No. DHS 036101-036212);
- 2) MACWIS help sheets (Bates No. DHS 036213-036291); and

3) MACWIS User Manual (Bates No. DHS 036292-036970).

Document Request No. 7: All DHS/DFCS Requests for Proposals (RFPs) to provide services that include services to Foster Children.

Response No. 7: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objections, Defendants are producing the following requests for proposals:

Pre and Post Adoption Services (Bates No. DHS 037745-037787)

Placement Services Post Adoption Support Services (Bates No. DHS 038097-038147);

Children's Justice Act of the Child Abuse Prevention & Treatment Act (Bates No. DHS 037980-038016)

Protection Services MDHS Hotline (Bates No. DHS 038052-038096);

Placement Services Emergency Shelter/Diagnostic and Evaluation Center (Bates No. DHS 037877-037928);

Placement Services (Bates No. DHS 037929-037979);

Community Based Family Resource & Support Grant (Application Issue Date April 5, 2002) (Bates No. DHS 037667-037697);

Community Based Family Resource & Support Grant (Application Issue Date May 12, 2003) (Bates No. DHS 037636-037666)

Family Support Services (Application Issue Date October 22, 2002) (Bates No. DHS 037698-037744)

Family Support Services (Application Issue Date May 12, 2003) (Bates No. DHS 037788-037832)

Family Support Services (Application Issue Date May 9, 2004) (Bates No. DHS 037833-

037876); and

Child Abuse Prevention Treatment Act, State Basic Grant (Bates No. DHS 038017-038051)

Document Request No. 8: Any "Time Study," such as that referred to at DHS 017267.

Response No. 8: Defendants object to this request as overlybroad and unduly burdensome. Without waiving the objection, the Defendants are producing the following documents:

Mississippi Department of Human Services Social Worker Time Study IV-E Waiver Demonstration Projects (Bates No. DHS 038148 to 038156)

Document Request No. 9: The provider and licensing files for all foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children.

Response No. 9: Defendants object to this request as overlybroad and unduly burdensome. Without waiving the objection, Defendants are producing the following document:

Placement Resources (Bates No. DHS 035980-036100).

Document Request No. 10: Any documents maintained outside of the provider and licensing files concerning (a) complaints, inspections and investigations related to foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children and (2) any state actions taken against foster homes, therapeutic foster homes, group homes, shelters, treatment centers and any other home, institution or agency caring for foster children, as a result of licensing violations, safety considerations or otherwise.

Response No. 10: Defendants object to this request in that it is overly broad and unduly burdensome.

Document Request No. 11: All documents in the possession of DHS Division of Program Integrity that concern complaints, allegations reports and any related actions regarding the failure of DFCS staff to protect foster children.

Response No. 11: Defendants object to this request in that it is overly broad and unduly burdensome. Without waiving the objection, the Division of Program Integrity does not maintain records in the manner requested in Request No. 11.

Document Request No. 12: All personnel file documents that reflect DFCS staff failures to abide by agency requirements including, but not limited to, reprimands, suspensions, demotions and terminations

Response No. 12: Defendants object to this request in that it is overly broad and unduly burdensome and seeks the discovery of records protected as confidential.

Document Request No. 13: The personnel files of all DFCS staff who have been involved in the cases of Named Plaintiffs Olivia Y, Jamison J, John A, Cody B and Mary, Tom, Matthew and Dana W, including but not limited to the following DFCS staff:

Olivia Y: Wanda Gillom, Deputy Director; Mickel Hodges, Division of Program Integrity; Mechille Henry, Acting Regional Director; Eva Beck, Licensure Specialist; Susanne Brown, Social Worker; Rosie Cox, Homemaker; Jean Fertitta, Area Wide Social Work Supervisor; Nicole Holloman, volunteer; Ramona Lockett, Area Wide Foster Care Supervisor; Jennifer McLaurin, Social Worker; Joy Moran, Case Worker; Jessie Richardson, Homemaker; Berdia Smith, Social Worker; Debra Stewart, Area Wide Social Work Supervisor; Marie Turnage, Social Worker

Jamison J: Queen Coleman, Social Worker Supervisor; Tracey Mohdzain, Case Worker; Martha McDaniel, Regional Director

John A: Michelle Henry, Acting Regional Director; Sherita Bovastro; Josie Brown, Social Worker; Rosie Cox, Social Worker Aide; Deanne Cunningham, Social Worker; BeeJee Dickson, Area Wide Social Work Supervisor; Cindy Haslauer, Social Worker; Pamela Knight, Area Wide Social Work Supervisor; Ramona Lockett, Area Wide Social Work Supervisor; Terra McCarthy, Social Worker; Betty Rayner, Social Worker; Jessie Richardson, Homemaker; Barry Robertson, Social Worker; Sharron Robinson, Social Worker; Berdia Smith, Social Worker; Vicki Stephenson, Social Worker; Deborah Stewart, Social Worker; Tabathas Cox, Social Worker; Carrie Monsow, Social Worker

Cody B: Zadie Rogers, Regional Director; Gwen Becks, Social Worker; Sharon Carter, Homemaker; Mathew Lewis, Area Wide Social Work Supervisor; Yutaska Simpson, Social Worker; Gloria Richardson, Social Worker

Mary, Tom, Matthew and Dana W: Sue Perry, Director; Wanda Gillom, Deputy Director; Terry Varnado, Foster Home Licensure Unit; Ronda Aldridge, Social Worker; Lynette Fleming, Social Worker; Jeanie Hall, Social Worker; Maggie Mixon, Social Worker; Carolina Roberson, Area Social Work Supervisor; Patricia Seals, Social Worker; Lacey O'Quinn, Social Worker; Rhonda Polk, Foster Care Licensure Specialist; Vanie White-Sturgis, Adoption Unit Resource Exchange Coordinator.

Response No. 13: Defendants object to this request in that it is overly broad and unduly burdensome and seeks the discovery of records protected as confidential.